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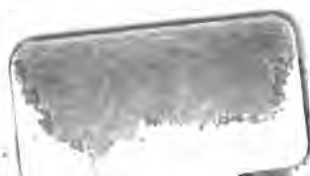
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**DOCUMENTS**  
**OF THE**  
**ASSEMBLY**  
**OF THE**  
**STATE OF NEW-YORK,**  
**FIFTY-FOURTH SESSION,**  
**1831.**

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**VOLUME I.**  
**FROM No. 1 TO 69, INCLUSIVE.**

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**ALBANY:**  
**PRINTED BY E. CROSWELL, PRINTER TO T. E STATE.**

**1831.**



**No. 1.**

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**OFFICIAL LIST**  
OF THE  
**MEMBERS OF ASSEMBLY,**  
**ELECTED IN NOVEMBER, 1890.**

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- Albany*—Peter Gansevoort, Wheeler Watson, Peter W. Winne.  
*Allegany*—Daniel Ashley.  
*Broome*—Peter Robinson.  
*Cattaraugus*—Russell Hubbard.  
*Cayuga*—Peter Yawger, Solomon Love, George S. Telford, Elias Manchester.  
*Chataugue*—John Birdsall, Squire White.  
*Chenango*—Ira Wilcox, Joseph Juliand, Jarvis K. Pike.  
*Clinton*—John Walker.  
*Columbia*—John W. Edmonds, John S. Harris, Pliny Hudson.  
*Cortland*—Fredus Howard, Charles Richardson.  
*Delaware*—Peter Pine, David P. Mapes.  
*Dutchess*—William Hooker, Joel Benton, John E. Townsend, Samuel B. Halsey.  
*Erie*—Millerd Fillmore, Nathaniel Knight.  
*Essex*—Joseph S. Weed.  
*Franklin*—James B. Spencer.  
*Genesee*—Charles Woodworth, Stephen Griswold, Robert Earl, junior.  
*Greene*—Lewis Benton, John I. Brandow.  
*Herkimer*—Atwater Cooke, Junior, Nicholas Lawyer, Olmsted Hough.  
*Jefferson*—Walter Cole, Fleury Keith, Joseph C. Budd.  
*Kings*—Coe S. Downing.  
*Lewis*—Harison Blodget.  
*Livingston*—Jerediah Horsford, James Percival.
- [A. No. 1.]



*Madison*—Robert Henry, John Whitman, Stephen B. Hoffman.

*Monroe*—Samuel G. Andrews, Isaac Lacey, Peter Price.

*Montgomery*—William Rob, Platt Potter, Josiah O. Brown.

*New-York*—James Morgan, Silas M. Stilwell, Dudley Selden, Charles L. Livingston, Gideon Ostrander, Abraham Cargill, Nathaniel Jarvis, Isaac L. Varian, Jacob S. Bogert, Mordecai Myers, Dennis McCarthy.

*Niagara*—Henry Norton.

*Oneida*—Arnon Comstock, Reuben Bettis, Riley Shepard, John F. Trowbridge, David Moulton.

*Onondaga*—Thomas I. Gilbert, Otis Bigelow, Jared H. Parker, Elisha Litchfield.

*Ontario*—John C. Spencer, Samuel Rawson, Thomas Ottley.

*Orange*—Edward Blake, James Hulse, Robert Fowler.

*Orleans*—John H. Tyler.

*Oswego*—Joel Turrill.

*Otsego*—Henry Clark, Schuyler Crippen, Eben B. Morehouse, Peter Collier.

*Putnam*—Bennet Bpyd.

*Queens*—Thomas Tredwell.

*Rensselaer*—George R. Davis, Aaron Worthington, Martin Springer, Chester Griswold.

*Richmond*—John T. Harrison.

*Rockland*—John J. Eckerson.

*Saratoga*—Oran G. Otis, Howell Gardner, John Gilchrist.

*St. Lawrence*—Asa Sprague, Joseph Freeman.

*Schoharie*—Robert Eldredge, Daniel Hager, junior.

*Schenectady*—Aaron Carroll.

*Seneca*—John Sayre, Benjamin Woodruff.

*Steuben*—Josiah Dunlap, Paul C. Cook.

*Suffolk*—George S. Phillips, George L. Conklin.

*Sullivan*—James C. Curtice.

*Tioga*—John G. McDowell, David Williams.

*Tompkins*—John Ellis, John Saylor, Jehial Ludlow.

*Ulster*—Jacob I. Schoonmaker, John Van Buren.

*Warren*—Samuel Stackhouse.

*Washington*—William Townsend, George W. Jermain, Henry Thorn.

*Wayne*—Seth Eddy, Ananias Wells.

*Westchester*—Aaron Vark, St. John Constant, Thomas Murphy.

*Yates*—Aaron Remer.

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STATE OF NEW-YORK, }  
Secretary's Office. }

I certify the preceding to be a true list of the names of Members of Assembly elected in this State, at the general election held in the month of November last, according to the official returns from each county clerk received at this office.

In testimony whereof, I have hereunto affixed the  
[L. s.] seal of this office, at the city of Albany, the 31st day of  
December, 1830.

A. C. FLAGG,  
*Secretary of State.*



IN ASSEMBLY,

January 4, 1831.

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Message from the Governor.

*Gentlemen of the Senate, and of the Assembly:*

I should do injustice to my feelings, if I were to refrain from expressing, on this occasion, my deep sense of the high confidence reposed in me by the people of this State, at the recent election. I shall endeavor to make a suitable return, by devoting myself diligently to the discharge of the duties of the department entrusted to my care, regardless of every consideration but the public good. Conscious of my imperfections, it is no small satisfaction to me, to know, that the executive power under our government is so wisely circumscribed, that every measure emanating from it, affecting the policy of our laws, or the substantial interests of the people, must pass the supervision of your body, where the errors of a single judgment will receive due correction from the delegated wisdom of the State.

As a member of the Union, this State participates largely in its glory, and shares in its prosperity; and at no period since the revolution have we had greater reason to rejoice in the wisdom of its councils, or to feel a just pride at its elevated character as one of the family of nations. The individual at its head, renowned for his great services and devotedness to his country in another capacity, has, in his civil station, shewn an intimate knowledge of the cardinal interests of the nation, a familiarity with his duties, and an intrepidity in the discharge of them, which cannot commend him more to our affections or respect, but which demand for him the admiration of the present age, and will secure to him the lasting gratitude of his country. The two leading principles of his administration, which lie at the foundation of our future prosperity as a nation, have been assert-



ed by him in the discharge of his duties, in a manner which shews that he loves his country more than he fears the loss of power, or the efforts of disappointed cupidity and ambition. I allude to the payment of the national debt, and the restraining of the power of congress within the limits plainly marked out by the compact between the states. His veto upon the Maysville road bill, the first of a series of measures for internal improvement projected for the sanction of congress and estimated to cost more than ninety-six millions of dollars, will remain upon record a durable monument of his correct views of public policy and constitutional rights, as well as of his moral courage and uncompromising patriotism.

Our foreign relations are amicable, and we have no reason to apprehend a speedy rupture with any nation.

Enjoying, as we do, a high degree of happiness under our free institutions, we cannot be insensible to the influence of our example upon the people of other countries, nor unmoved by their efforts to assimilate their governments to our own. The late Spanish colonies at the south, having achieved their independence, are yet violently convulsed by efforts to organize their governments upon principles, and with modifications, which will ensure for them permanent tranquillity. The recent revolutionary movements in France afford a bright hope that this nation, distinguished for heroism and science, vividly associated with the recollections of our early struggle for independence, and endeared to us by so many ties, has at last found relief from an arbitrary abridgment of individual rights, in the full establishment of the authority of the people. The people under other European sovereignties seem stirred by bordering commotions ; and we have reason to believe, that in the progress of light and knowledge, we, now the youngest of nations, will, at no distant period, be hailed as the elder brother of legitimate governments. It becomes us, for our own good as well as for the cause of struggling humanity, to manifest to the world, that a republican government, firmly based upon the will of a well instructed and virtuous people, is the most just and enduring, and exempt from those disturbing and destroying factions, which tend to anarchy and terminate in despotism.

In regard to our internal concerns, your labors will be directed towards providing for the due administration of justice ; the improvement of the moral and intellectual condition of the people ; and the development and application of the physical resources of the State.

We can look with satisfaction upon what has already been accomplished in relation to these objects. Our municipal laws have been relieved from much which belonged to a less enlightened age; the severity of our criminal code has been materially mitigated; large provision has been made for public education; and our canals, dispensing their benefits through various channels, are evidence that an enlightened spirit of public improvement has guided our counsels. There is yet, however, much to do; and all these subjects will require your ceaseless exertions.

To what extent the industry of the country may be facilitated by the expenditure of money on works of public utility, depends essentially upon the condition of the treasury, and our means for producing revenue. Under no form of government can a people be happy and prosperous, if a careless and prodigal use of the treasures and credit of the State is indulged.

In my last annual message, I presented a review of the public funds from the year 1826, and showed a diminution of the capital of the general fund during that period, from two millions six hundred and thirty-seven thousand nine hundred and thirty-six dollars, to one million three hundred and forty-four thousand two hundred and sixty-eight dollars. That capital has sustained a farther reduction during the past year, so that it now remains at..... \$1,312,466.

That amount made up of the following items, viz :

Bank stock,.....	\$126,965 00
Bonds and mortgages, for lands sold, .....	792,568 47
Mortgages for loans to individuals, .....	369,771 34
“ “ debts due the state, .....	23,161 19
	<hr/>
	\$1,312,466 00

The reduction of the capital during the last year has been by means of the sale of the Mohawk bank stock, and by receipts of the principal monies upon bonds and mortgages.

The estimated receipts from the general fund for the ensuing year, are of

Revenue,.....	\$78,500 00
Capital, .....	35,000 00

Whole receipts,.. \$113,500 00

The estimated ordinary expenses chargeable upon this fund for the present year, are three hundred two thousand two hundred dol-

lars, shewing a deficiency in the receipts to meet the ordinary expenses of one hundred eighty-eight thousand seven hundred dollars. Included in this estimate of expenses, are the deficiencies of the income of the Oswego, Cayuga and Seneca canals, which are by law made chargeable upon the general fund.

It is necessary for a true understanding of the financial condition of the state to know, that the actual annual expenditures of the government, always far exceed the estimates, owing to contingent appropriations, which are not susceptible of calculation. Thus the estimate of expenses for the last year was two hundred and sixty-four thousand dollars, whereas the actual expenditures, including legislative appropriations, have amounted to the sum of three hundred forty-nine thousand one hundred thirteen dollars. For the purpose of more precise information, I have caused an average to be made, both of the estimated expenses, and the actual expenditures, chargeable upon the general fund from the year 1825, to 1829, both inclusive, and find the result to be, that the average estimated expenses for each of these years is two hundred and eighty-two thousand five hundred and twenty dollars, while the actual average payments from the treasury, is three hundred and seventy-six thousand seven hundred and forty-seven dollars ; a sum, greater in each year, than the estimate, by ninety-four thousand two hundred and forty-seven dollars. This difference is made principally by the annual legislative appropriations.

The resources of the treasury have been lessened, by the annual consumption of principal of the general fund, the appropriations of the public lands, and other funds to common schools, literature, and canals, and by the withdrawal of the state tax, and the diverting of other sources of revenue.

Thus in 1816, a state tax of two mills upon a dollar was imposed ; in 1819, it was reduced to one mill ; in 1825, it was farther reduced to half a mill ; and in 1827, it ceased by its own limitation. Since the last period no tax has been levied, although the treasury has been aided in its operations by the receipts of arrears of taxes. So also in 1817, the duties on salt, and sales at auction, were diverted from the general fund, and added to the revenues of the canal fund.

By these means the amount of the general fund has become so far reduced, that it is able no longer, either by its revenue or capital, to meet the annual demands for current expenses.

No government can be administered without money, and the means of defraying its expenses, must in some shape be furnished by those for whose benefit it is administered. It therefore becomes necessary to consider from what sources our exhausted treasury can be replenished. This involves an inquiry into the means placed at the disposal of the Legislature for that purpose.. These means are taxation, or loans on the credit of the government. If money is borrowed, the interest must be paid, and eventually the capital. If in addition to the current annual disbursements, the money to pay the interest on previous loans must also be borrowed, it is obvious that with compound interest there will be a rapid accumulation of debt, and the public creditor will ultimately require some further security for his loans, than the credit of the state. Such measures would result in impaired public credit; taxation could not be long delayed; and it is to be feared, that when it becomes necessary to levy upon the people the amount of the current expenses, together with the interest accruing upon debts incurred for the expenses of preceding years, swelled by compound interest, the taxation will be found burdensome and may become perpetual.

There is no mystery in financial operations, save what ingenious men have found necessary to throw around them, to conceal their measures from the public knowledge. What would be said of a farmer who should thus manage his private concerns, and trust to borrowing on the credit of his farm, for the annual expenses of his living, instead of deriving support from it by his earnings?

I should be wanting in duty, if I should forbear to pursue this interesting subject still farther, for I deem it of vital importance. We are still a young nation, and have experienced nothing but increasing prosperity, and having now arrived at a point where our treasury must be permanently supplied, or a hazardous experiment upon our credit made, it is our own fault if we do not choose that alternative which we know to be safe, and to which common prudence directly points.

As we have little to appeal to, in our own experience, we should not shut our eyes to the light reflected by the history of other nations. An able English historian, in noticing a temporary debt, created in the reign of Henry the sixth, makes the following remarks: "The first instance of a debt contracted upon parliamentary security, occurs in this reign. The commencement of this practice

deserves to be noted ; a practice the more likely to become pernicious, the more a nation advances in opulence and credit. The ruinous effects of it are now become too apparent, and threaten the very existence of the nation."

Shortly before the commencement of the last century, when William the third came to the throne, and found it necessary, in order to defend his continental possessions and to restrain the ambition of France, to have more money than could be raised by the ordinary means of revenue, a resort was first had to temporary loans, pledging the annual income to repay them. As this necessity for money continued from year to year, the debt was left unpaid, and the revenues were appropriated to pay the interest of it ; and it then occurred to his ingenious financiers that a national debt was a national blessing. Thus within eight years after he ascended the throne, a public debt had accumulated, equal in amount to one hundred millions of dollars. To pay the interest of that debt, and to defray the current expenses of the government, independently of indirect taxation by means of customs, direct taxes were imposed upon the people in every possible shape. They were imposed upon their persons, upon the value of their real and personal property, upon their income, upon their stock in trade, upon births and burials, upon beer, cider, perry, and all the productions of industry, commercial, manufacturing and agricultural. These taxes have been continued, and additional ones imposed upon every new object, created by the trade or industry of the nation, as it was developed, until the British empire, with a population of twenty-two millions of persons, is burthened with a debt amounting to about three thousand five hundred millions of dollars.

It is an extraordinary fact, and shows the evils which a mal-administration may bring upon a community, that the period of time, which enlarged the constitutional privileges of the English people, gave birth to legislative measures, which drew a new line of distinction between the people, and divided them into public creditors and laborers. All the wealth of the nation has been grasped by the comparatively few holders of government stock, and the privilege to support them, by the earnings of their labor, is nearly all that has been left to the many.

When we look at our means of raising revenue, it will be perceived that a state debt is a mortgage upon the persons, the property and the industry of our citizens, and the public creditor will soon call for a contribution from those sources. With our present laws,

which secure to every man the enjoyment of the profits of his industry, talents and ingenuity, we can look without concern or envy, upon the greatest amount of wealth which any individual has accumulated by industry and economy. He has a right to enjoy it, and it will be soon distributed by his successors. But there is great danger in creating a mass of wealth, in the hands of individuals, which suffers no diminution, but accumulates from generation to generation, sustained by the industry of the country, and guaranteed by the laws. We have in vain abolished entails, if a more durable species of property is created, levying contributions, not by rents, but by means of taxes.

It is a plausible doctrine, which has been urged with some success, that it is no matter how much money is expended by government, provided it is employed upon suitable enterprises for improving our internal condition; because the money remains among the people, and gives them employment.

This is indeed true, when the money is disbursed from a full treasury. But when the money expended, is borrowed of individuals, on legislative security, and interest is to be paid for its use, to be collected by taxation, upon the annual products of the labor of the people; the money remains among us; the aggregate wealth of the country may be increased; but it is unequally divided: an undue proportion goes into the hands of the few who monopolize the stock, while the remainder of the people are impoverished by the operation.

I have entered into much detail upon this important subject, from a deep conviction, that it is too intimately connected with the public welfare to be lightly passed over, and that the time has now arrived, when it becomes a duty of the people to understand and reflect upon this matter.

I have been placed at the head of the government at a period when it must determine upon the policy to be pursued, in a new and untried state of things. Hitherto the state has been rich in lands and public funds, and aided by taxes, which have ceased, it has been able to meet the payment of temporary loans, the revolutionary claims, and the annual expense of administering the government. This public property is now nearly exhausted, not by the ordinary expenses, but by contributions to public works, and as the basis of special funds.

Internal improvements, by means of canals and rail-roads, have become fixed objects of legislative care, and are among the most interesting subjects which will claim your attention. Their influence in diversifying the pursuits of labor, and equalizing the value of its products, in adding to individual and aggregate wealth, stimulating enterprise, and binding society together in ties of amity and interest, is not only acknowledged in theory, but has been practically demonstrated by our experience. These considerations will induce you to examine with industry and lively solicitude, into the means within your control for their further prosecution.

Our country is peculiarly well adapted to the construction of canals and rail-roads, and affords in all directions, from its soil, its forests and its mines, those ponderous productions, which owe most of their value in market to the cheapness of transportation. Each of these modes of communication has its peculiar merit, and is yet susceptible of much improvement. It remains to be seen what elevations of surface may be overcome by stationary power, as part of the line of a canal, an improvement deserving more attention from those conversant with such subjects, than it seems to have received.

Experiments made in England, during the past year, with locomotive engines, upon a rail-road between Liverpool and Manchester, have produced results more favorable than were anticipated. Loaded carriages now pass regularly between those cities, at the rate of eighteen miles an hour. Indeed light carriages have been moved with a rapidity which almost exceeds belief. An enterprising company is now constructing a rail-road between this city and Schenectady, which, as a specimen of such works, and as affording means to judge of their usefulness and cost, will be of great public advantage. It will probably be finished during the present year.

While canals, peculiarly adapted to the transportation of bulky articles, may be made in suitable situations, rail-roads, on account of their fitness for rapid transmission, to operate at seasons when canals are useless, and perhaps to overcome elevations insurmountable by them, will no doubt, in future times, be extensively distributed throughout the state. There are few obstacles in any part of the state, which may not be overcome by one or the other of these improvements.

An enlightened popular government cannot fail to discover the advantages of such works, and is well fitted to prosecute them judiciously. As the people contribute the means for their construction, they will not fail to discover the proper period for commencing them, and the extent to which they should be carried. The successful experiment which has already been made, while it has shed glory upon the state, affords a stimulus for the prosecution of similar enterprise; and it is not surprising, that some parts of the state, supposed to be peculiarly adapted by nature to receive these helps from art, should exhibit an impatience for their immediate commencement. But any disposition that may be manifested to enter prematurely upon the prosecution of these works, will be restrained by the cooler judgment of those parts of the state, which are called upon to contribute to the expense, but which participate indirectly only in their advantages.

In determining upon the expediency of beginning any new work, it will be proper to consider its public benefits, its probable returns of revenue, and the means of the state. If the state possesses funds for the object, without imposing any burdens upon the people, it will be sufficient to look at its bearings upon the public prosperity, without reference to revenue. If the state should not be in that condition, then it is necessary, preliminarily to ascertain, with considerable exactness, that it will contribute, in tolls, sufficient to pay for necessary repairs and attendance, the interest of the debt to be created on its account, and, within a reasonable time, the principal. If it will not do this, then your duty requires you to determine whether the people will consent to be taxed to make up the deficiency of its revenue, and if so, to impose such tax, contemporaneously with the act authorising its construction.

Acting under a due sense of the importance of these precautionary considerations, I do not doubt, that your measures will satisfy the reasonable desire of the public to continue the march of internal improvement.

The Erie canal passes through the centre of the state, uniting the tide waters of the Hudson, with lake Erie, and affords the means of an easy interchange of commodities between the different parts of the state, and an opening to our great commercial city, for the trade of the Canadas and the states bordering upon the upper lakes. By means of smaller works, completed and in progress, we have con-



nected its advantages with the navigation of the Ontario, Champlain, Onondaga, Cayuga, Seneca and Crooked lakes, and the western branch of the Susquehannah river. Having thus, since the year 1817, opened communications between all our cities, and nearly all our interior navigable waters, we cannot take to ourselves the reproach that the march of internal improvement has been slow, or harbor the thought that its further progress is to be arrested.

The Erie and Champlain canals were projected with great wisdom, and at their commencement, an appropriation was made for them from the general fund, which has been sufficient, at all times, to pay the interest of the monies borrowed. The credit of the state was thereby so firmly established, that for all the later loans, to more than half the whole amount, capitalists were induced to pay a premium upon five per cent. stock. Those canals have drawn from the funds of the state, to the amount only of the duties upon salt, and sales at auction; and their successful operation promises, that they will speedily pay their debt, provided the constitutional protection of their fund is duly respected. When that period arrives, the revenues from salt and auction duties, and tolls of the Erie and Champlain canals, will be under the exclusive control of the legislature. How far it will then be deemed public justice or good policy to reduce the amount of the tolls, or to continue them for the purpose of extending our works of internal improvement, will depend entirely upon the future representatives of the people.

In reference to the subject of revenue and internal improvements, I submitted to the consideration of the last legislature, the propriety of taking measures to procure a distribution of the surplus revenue of the United States. The same suggestion was made by the President to congress, in his first message, and has been renewed by him in his late communication to that body. I find also that one of my most distinguished predecessors alluded to the same subject in his message in 1827. I esteem it of sufficient importance to renew the suggestion, and press it earnestly upon your consideration. We have the fullest assurance, that the President will steadily adhere to his doctrines regarding the power of congress over roads and canals, so that the payment of the national debt, except the three per cents, will be provided for within three years.

At the adoption of the federal constitution, it was deemed proper to place all the revenues derived from customs, at the disposal of the

general government. Inasmuch as that government assumed the payment of the public debt, and was charged with our foreign relations, the protection of commerce, and the military and naval defence of the country, it certainly was a wise and equitable disposition of that great source of revenue: Yet, thereby, the individual states are deprived of those ready means of supplying their wants by indirect taxation, upon which every nation mainly relies; and those states which have no demesnes, or other public funds, are constrained to raise revenue by a direct tax. This latter kind of taxation is, from the nature of it, unequal, and draws more than a due proportion from the farmer. During the last forty years, we have passed through all the vicissitudes to which our government is exposed; and experience has shewn, that without burdening commerce, the means of revenue placed at the disposal of congress, will yield much more than can be required to administer the government in peace, or to recover from extraordinary demands upon the treasury during war. As proof of this, the government has expended, on questionable authority, large sums of money for internal improvements; while it has continued to pay more than ten millions of dollars annually towards reducing the public debt. There is, therefore, abundant reason to believe, that a portion of the revenue from customs may, without inconvenience, be permanently appropriated, and restored to the several states, in such a manner as not to interfere with the necessary paramount control over their collection by the national authorities.

It is, without doubt, the most just and economical mode of collecting taxes. It is done by fewer officers, and without that offensive inquisition into the affairs of individuals, which is an indispensable concomitant of direct internal taxation. By this mode, each individual fixes the amount of tax upon himself, and pays in proportion to his means, by the consumption of those articles of foreign production upon which the duties are levied.

It is, at least, questionable, whether there are not sound objections to a mere distribution of the surplus revenues. Among these may be reckoned the uncertainty of the amount, which changes in the tariff rates may occasion; and the withholding of dividends entirely, in national emergencies, demanding extraordinary expenditures. The contingent nature of the supply might prevent the States from engaging in enterprises of magnitude, or produce em-

barrassments should they be undertaken. This might be remedied by providing that a fixed sum shall be annually distributed. The amount of that sum might be such as not to interfere with the reduction of the present tariff of duties, should the public interest at any time require it. Population is obviously the true basis for distribution, inasmuch as the money would by that rule return to those who contributed it. Our State contains more than a seventh of the population of the Union, and our proportion of seven millions, would be an annual quota of one million. But if three millions five hundred thousand dollars only should be distributed, our proportion would be the interest at five per cent. of ten millions of dollars, and would support our credit for internal improvements to a large amount. This sum would be an indirect tax of twenty-five cents upon each individual in the state, paid by those who consume foreign productions.

I am aware, that in recommending, as I earnestly do, a cautious policy with regard to public expenditures, I point you to a path that leads rather to useful results, than to personal glory ; but all of us must be deeply impressed with the truth, that a democratic government can be sustained only by public virtue. The patriot will discard all selfish considerations, and in the execution of his trusts, will suffer the happiness and prosperity of his country to take entire possession of his heart. It is a paramount duty of all the functionaries of the government, to keep the people advised of every thing which affects their interests ; and on all occasions to endeavor to infuse a spirit of public morality. That species of legislation which is the result of an alliance between private interests and the excited feelings of the community, bearing with it the co-operation of the timid, and reaching by indirection a common object, is immoral, dangerous, and may ultimately bring ruin upon the country. Those who have designs either of private interest or ambition, will strive to keep the public eye fixed in another direction, while they march to the accomplishment of their purposes unobserved. I am persuaded, that if we are destined to be ruined by legislation, it will not be by means of the comparatively trivial sums which may be supposed necessary to defray the ordinary expenses ; not even by the wasteful expenditure of accumulated treasures ; but by the allurements of the glory of splendid undertakings, and the legislative power over public credit.

The canal debt amounted on the first day of January instant, to \$7,825,035, composed of the following items:

Erie and Champlain canal stock, payable 1837, 6 per cent.....	\$2,943,500	
Do. 5 per cent. payable 1837 and 1845,....	4,057,535	
		<hr/> \$7,001,035
Oswego 5 per cent. in 1846 and 1849,.....	437,000	
Cayuga and Seneca 5 per cent. in 1849,...	237,000	
Chemung 5 per cent. in 1850,.....	150,009	
		<hr/> 824,000
		<hr/> \$7,825,035

The tolls received upon the Erie and Champlain canals during the past year, will amount to about the sum of..... \$1,027,327

The receipts from auction duties for the year ending 30th Sept. last,.....	180,513
From salt duties till 31st October last,.....	154,332
From other sources, .....	40,403

Making the proceeds of canal revenue for the year, \$1,402,575	
Of this sum there has been expended by the commissioners, superintendents, collectors and other canal officers, about .....	\$249,056
For interest of debt,.....	379,695
	<hr/> 628,751

Leaving of the receipts of the last year to be applied towards the payment of the Erie and Champlain canal debt, .....	\$773,824
The sum accumulated from receipts of former years amounts to .....	878,176

Making the sum applicable to the extinguishment of the principal of that debt, ..... \$1,652,000

#### *Cayuga and Seneca Canal.*

The expenses of superintendence and collection for the last year, with the expenditures of the canal commissioners, as far as can now be ascertained, will amount to about..... \$13,085

For interest upon the debt,.....	11,860
	<hr/> \$24,945

*Oswego Canal.*

Expenses of superintendence, &c. ....	\$17,751	
Interest upon the debt,.....	21,850	
		<u>39,601</u>

Making total annual expense,.. \$64,546

The tolls received during the past year from the Cayuga and Seneca canal is about .....	\$11,864	
Tolls and rents from surplus waters from the Os- wego canal, .....	12,812	
		<u>24,676</u>

Leaving a balance of expenditures more than the receipts  
from the tolls of those two canals, of ..... \$39,870

Of the amount of the above expenditures on account of the Oswego canal, \$3,310 has been paid for damages. There has been received from the Oswego canal, for bonds and mortgages transferred to the Erie and Champlain canal fund,..... \$30,268  
For principal and interest of bonds for lands sold belonging to that fund, ..... 3,240

Making, \$33,508

Of this sum \$22,491 have been paid for the balance of expenditures due from this canal the last year, and the balance has been applied towards the deficit of the present year. This sum, being \$11,017, deducted from the above balance of \$39,870, leaves twenty-eight thousand seven hundred and ninety-three dollars, which was made by law chargeable upon the general fund, and has been in part paid from that source.

There is no one of our public institutions of more importance, or which has better fulfilled public expectation, than that providing for instruction in common schools. The large fund, appropriated to that object, has produced a complete organization throughout the state; and although the system has had to encounter all the obstacles to a new enterprise of such magnitude in its operations and objects, yet it has been well seconded by public zeal and liberality. Its imperfections may receive some correction from legislation, yet more is to be hoped from individual exertions, to carry the design of the legislature into effect within the several districts.

There are nine thousand and sixty-two school districts in this state, and eight thousand six hundred and thirty have made returns according to the statute. One hundred and ninety new districts have been formed during the year, and the number which have made returns has increased three hundred thirty-eight in the same period. There are in the districts from which reports have been received, four hundred ninety-seven thousand five hundred and three children between five and sixteen years of age, and four hundred ninety-nine thousand four hundred twenty-four scholars have been taught during the year in the common schools of the state; the general average of instruction having been about eight months. The returns show an increase of children between five and sixteen, compared with the preceding year, of twenty-four thousand one hundred ninety-four, and an increase of the number instructed, of nineteen thousand three hundred eighty-three scholars.

The public money apportioned among the several school districts during the past year, amounts to two hundred thirty-nine thousand seven hundred and thirteen dollars. Of this sum, one hundred thousand dollars was paid from the state treasury, and the residue was derived from a tax upon the several towns, and from local funds possessed by some of them. In addition to the public money, there has been paid to teachers by the inhabitants of the districts three hundred forty-six thousand eight hundred and seven dollars, making a total of five hundred eighty-six thousand five hundred and twenty dollars, paid for teachers' wages alone, in the common schools of the state.

The want of suitable school books, and uniformity in their use, and of competent teachers, seem to be the evils under which the system continues to labor. For the mere purpose of reading and arithmetic, selections may be made, among the various books extant, of such as are perfectly adapted to the purpose. But I feel confident that, under proper regulations, a vast amount of knowledge in the arts and sciences, connected with agriculture and handicraft, which are simple in their principles, and easily comprehended, might be taught to children during those years which are usually spent at common schools. For this purpose, suitable books should be provided, and such teachers only, as are competent to instruct from them, should be employed. I am happy to perceive that gentlemen, abundantly competent to throw light upon this subject, are moving to consult each other, and to devise remedies for the existing evils.

The public attention seems to be awakened to the subject of education in all the departments of knowledge, from that which simply makes the possessor familiar with his duties as a citizen, up to those which enable him to draw from the arcana of nature her treasures, or to contend in full panoply where honors are to be won for himself and his country, in the lists of literary emulation. While knowledge, by its intimate connexion with the harmonious action and durability of our political institutions, has secured for its advancement, the efforts of individual enterprize, it will undoubtedly receive from you due attention and patronage.

The success which continues to attend the operations of the two medical institutions which have been taken under the patronage of the State, is the highest tribute to the talents and perseverance of the professors who have them in charge. The number of students at the College of Physicians and Surgeons in the city of New-York, is at this time about one hundred and seventy. The anatomical class is the largest which has assembled for years, and an increase of pupils in every course of instruction is confidently anticipated. It is matter of regret, that this institution is laboring under pecuniary embarrassments, arising from causes of somewhat remote origin, which threaten, if not removed, materially to affect its future prosperity. The College of Physicians and Surgeons of the Western District, has opened the present season with a class of one hundred and seventy-eight students.

In my last message, I gave a minute account of the structure, discipline, and condition of our state prisons. A brief notice of them only, is now necessary.

The prison at Auburn contains five hundred and fifty cells in its north wing, and had, on the seventh day of December last, six hundred and sixteen convicts. Of the sixty-six surplus convicts, twenty-five are females, and confined in one room; the residue are lodged in large rooms, under great disadvantages, in the south wing. In the exercise of a power conferred upon the Executive by law, I directed, during the month of February last, the sheriffs of the counties of Herkimer, Oneida, Otsego, Chenango and Broome, to convey their convicts in future to the prison at Sing-Sing, instead of Auburn. Since that time, the number at Auburn has declined from about six hundred and fifty to the present number.

The prison at Sing-Sing contains eight hundred cells, and had, on the twenty-fourth day of December last, eight hundred and six prisoners, having increased two hundred and twenty-eight during the last year. Of these, one hundred and fourteen have been received from the city of New-York alone. Finding that the accommodations for prisoners were likely to be insufficient for the probable increase, I recommended, by special message, at the last session, the immediate construction of two hundred cells at Sing-Sing, and ten thousand dollars were appropriated for that purpose. These cells, from causes not anticipated, have not been built, but I am informed that they are now in progress. It is evident that our prisons must be enlarged without delay. The reports of the officers of the prisons will put you in possession of all the facts necessary to enable you to act on the subject.

The condition of the female convicts is a serious evil ; and I feel it my duty to press earnestly upon your attention the subject of a separate penitentiary for them, constructed with single dormitories, where they will be subjected to the discipline which has been so efficacious in the good government of our prisons, and to some extent in reforming male convicts. The whole number of female convicts now supported by the state at Auburn, and at the penitentiary in the city of New-York, is sixty-three. Humanity, and I believe good economy, require that this subject should be no longer neglected. A separate building in the neighborhood of Sing-Sing might be cheaply erected out of the materials at hand, by the labor of the convicts, and the female convicts might be placed in it, under the government of the officers of that prison.

I am not able to state the amount of the earnings of the convicts at Sing-Sing, nor to compare it with the expenses for their support. But I learn from the agent of the Auburn prison, that he will not find it necessary to apply for any appropriation from the treasury.

The expenditures for that prison, during the year ending on the thirty-first day of October last, including the extra expense of building one hundred feet of workshops, repairs of the north wing which was damaged by fire, and all the necessary repairs in and about the prison, amounted to thirty-six thousand two hundred and twenty-six dollars. The earnings of the convicts during the same time, amounted to forty thousand three hundred and forty-one dollars.

I have pardoned from the state prison during the past year, seventy-six convicts. A great proportion of them are persons to whom

[A. No. 2.] 3



my attention was called by the officers of the respective prisons, and who were commended to executive clemency by their youth, or long sentences, particularly those for life, on account of trifling burglaries. I found them enduring punishments incompatible with the mitigated severity of our criminal laws.

Farther reflection and experience confirm me in the opinion that punishment by imprisonment for life, should be rarely inflicted, except where a previous term of imprisonment has failed to produce reform. Punishment loses part of its terrors, if the convict may look with hope to the executive power for a pardon, on the facts alone upon which the judges pronounced the sentence of the law. All reflecting men agree in the opinion, that certainty is more efficacious in producing reform, than severity of punishment.

There have been three convictions for capital crimes during the year, and one execution. I felt it my duty, on examining the testimony, to commute the punishment of one (a female) to three years imprisonment, and the other to imprisonment for life in the state prison.

While I renew the suggestion, that the punishment by death for arson is incompatible with the philanthropy of the age, I am impelled to add, waiving the question in casuistry, whether it is proper in any case to take life, that the punishment of death in all cases of mere technical murder is unreasonably severe. I have adhered to a sense of duty in refusing to stay execution, in every case of clear murder within the existing laws; while I have sometimes felt that the measure of punishment was disproportionately severe for the crime. I think that a portion of your time might be well employed in the inquiry whether the crime of murder can not be so defined, or the punishment for the minor species of it so modified, as to limit the punishment of death to cases of actual premeditated homicide.

The result of inquiries which have been made in Europe confirms the deductions of reason, that the higher crimes are lessened as men become more civilized and enlightened; and that though offences against property may increase, crimes against the person are invariably diminished. It would be productive of much good, if measures should be adopted for taking the statistics of crime within this state. Interesting tables might be formed, which would enable us to institute a comparison with other countries, and to determine how far the commission of crime is influenced by the nature of our government,

by the intelligence and wealth diffused among our people, and by our mode and degree of punishments. We should be able also to compare year with year, and have some data for regulating our criminal code, and producing a uniformity in sentences.

If justices of the peace, and other judicial peace officers, should be required by law to return annually to the county clerks' offices, an account of the number of warrants issued, of accused examined, and of supposed culprits committed; and courts of special sessions, the number of persons acquitted and convicted before them; and other courts, the number indicted, acquitted and convicted, together with the nature of the offences and the punishments inflicted, the returns of the several county clerks would enable the Secretary of State to present a full and perfect view of that subject.

I recommend also to your consideration the condition of our county prisons, under the conviction that great evils exist in our arrangements there; and in the hope that you will devise some remedy for the spreading of vice in those common receptacles of the suspected and convicted, the young and the old, the adept and the novice in crime. Those sentenced to punishment should be compelled to perform some useful labor, and the accused should have an opportunity to keep themselves employed.

The House of Refuge in the city of New-York, as a penitentiary which operates at the root, and is instrumental in the prevention of crime, and as having been patronized by the State, is deserving of notice. The building will accommodate two hundred and fifty-two boys, and sixty-eight girls, with separate cells; and has corresponding arrangements for the convenience of its government, the instruction of its inmates, and the care of the sick. There are now in the house one hundred and thirty-seven boys, and forty-four girls, nearly all of whom are in a course of instruction in trades. The funds provided by the government are ample for all the purposes of the institution.

During the last fall, I visited the quarantine establishment at Staten Island, under the management of the health officers for the city of New-York. While there, I sanctioned the erection of permanent buildings for a farm and wash-house, and other necessary works and repairs about the dock. They have all been finished, at an expense of about eight thousand five hundred dollars. The establishment is now complete, every edifice is durable, and the whole presents an

appearance of cleanliness and order, which reflects great credit upon the officers who have it in charge.

- A larger amount of money has been received at that establishment during the last year, than in any former year. Its receipts have been sufficient to pay all debts, make the necessary buildings and repairs, pay the annuity to the House of Refuge, and enable the commissioners to pay over to the Comptroller a surplus of about three thousand dollars towards a mariners' fund. It is not probable that hereafter the average annual surplus will equal that of the last year; and it will consequently require a long time to accumulate, by these small means, a sufficient capital to yield a revenue large enough to do much good. It is perhaps worthy of consideration, whether it would not be more just towards those from whom this fund is derived, to employ the annual surplus in relieving the wants of sailors during the winter season. They could be provided for at the New-York hospital, or at the establishment at Staten Island.

Our laws relative to imprisonment for debt should be carefully examined, for the purpose of amendment. The notion of imprisonment in the nature of punishment for debt, is repugnant to humanity, and condemned by wisdom. Among the early Romans, the unfortunate debtor and his family became the slaves of his creditor; and the hoary veteran has exhibited the bleeding traces of his master's scourge, mingled with the scars of honorable wounds received while commanding in his country's service. This extreme barbarity was discontinued at an early period; yet the principle of punishment for debt, by depriving the debtor of his liberty, was retained by that nation through its subsequent period of refinement, and has been transmitted to this day through all the enlightened governments of Europe. This trait of barbarism, notwithstanding all our reforms, still retains its place in our statute book.

Imprisonment for debt should be tolerated so far only as it is necessary to enable the creditor to secure the property of his debtor. In respect to debts of large amount, ample provisions, beyond the reach of the smaller debtor, seem to have been made; for it is provided that whenever a person considers himself insolvent, he may, on application to a proper officer, and due notice to his creditors, assign over all his property, and obtain exemption from arrest or imprisonment.

With such ample provision before us for the relief of those oppressed with large debts, the injustice of the provisions of the law in regard

to the more helpless class, the extremely poor, is very striking.—Imprisonment appears to be wanton when inflicted upon a person without means to pay, and who depends upon his daily labor for the maintenance of his family. A defendant in execution from a justices' court, must in some cases remain in prison thirty days, in others sixty days, before he is permitted to make oath, that he has no means for the payment of his debt. It is this which fills our gaols. An easy remedy may be prescribed, by permitting a defendant on the trial, when his creditor is present, to show his inability to pay, assign over his property, and thereby exempt himself from imprisonment. This subject I hope will engage your early attention, and while you make ample provision for the security of creditors against frauds, and to punish fraudulent debtors criminally, that you will so modify the laws, as to dispense as far as practicable, with imprisonment for debt.

The returns of the militia show an effective force of about one hundred and ninety thousand men. It is probable, that these returns are somewhat defective, and if complete would exhibit a force of more than two hundred thousand. They are divided into the several corps of horse artillery, cavalry, artillery, riflemen and infantry. A well organized militia has always been esteemed by us, as the proper defence of a free nation, and has been cherished as an important part of the arrangement of our government. A standing army, although an indispensable safeguard of a government founded on assumptions, is always burdensome, and has too frequently been found as formidable to the people composing a nation, as to their enemies abroad. The power of organizing the militia, is vested by the constitution in congress, and the existing laws of that body provide for their enrolment, equipment, discipline and inspection. The laws passed on this subject by the state legislature are subordinate to, and must not contravene, the laws of congress. Some complaint has been made of the burden of compulsory militia service, and you may think it expedient to review the militia law, for the purposes of equalizing the duties and relieving the service from any exactions which are not necessary for the accomplishment of the objects designed.

It is still a striking deficiency in our eleemosynary establishments, that suitable provision has not been made for the care, comfort, and restoration of the insane poor. That most destitute class of human beings, are unconscious of their own wants, and can make their appeal to our sympathies through the eye only, an organ conversant with external signs, but incapable of penetrating to the agony of the soul.

Hence many of them roam neglected, and are even shunned as objects of dread. The ordinary poor-house provision is calculated rather to secure them from mischief, than to administer to their comfort. I hope that you will not be regardless of this call upon public duty and charity, and that some provision will be promptly made for their relief. I am informed that this matter has engaged the attention of a neighboring state, and that suitable provisions are there in progress.

The poor-house system, so happily devised, and now in successful operation in most of the counties in the state, deserves your attention to its progressive improvement. The poor under that system are generally better provided for, and at much less expense than formerly. The report to be made by the secretary of state, will afford you such minute knowledge of the subject, as will enable you to act understandingly in correcting its defects, and enlarging the sphere of its useful action.

Near the end of the month of June last, the superintendent of the salt works at Salina, had reason to suspect that frauds upon the revenue were practiced in carrying off salt, without paying the duties. He instituted inquiries, and as most of the salt was carried off by water, he examined the books of the canal collector at Salina. They disclosed the fact, that during the then month of June, about twenty-five thousand bushels of salt had been carried away, which were not entered in the books of the superintendent or inspector. He then pursued the same examination back to the ninth day of June, 1828, the time when the collector's office was established at that place. It resulted in a discovery, that during the months of May and June, 1830, thirty-three thousand bushels, during the year 1829 ninety-seven thousand bushels, and in 1828 from the month of June thirty thousand bushels of salt had been carried off by water, without paying the duties. The amount taken away by land could not be ascertained, but it is supposed to be at least fifteen thousand bushels more, making in the whole one hundred and seventy-five thousand bushels; being a fraud upon the revenue to the amount of more than twenty-one thousand dollars. How long previous to the establishment of the collector's office, the practice of smuggling salt had been carried on, or to what extent, it is now impossible to ascertain.—Independently of the loss to the revenue, the practice has materially prejudiced the honest dealer. It has been ascertained that these frauds were accomplished, by means of a combination between certain deputy inspectors, and dealers. Prosecutions are now pending against the transgressors.

The attention of the legislature to this subject is necessary for the purpose of taking measures to prevent the recurrence of similar evils. Laws imposing criminal punishments upon future guilty officers and dealers, ought to be passed, and the canal collectors at Salina, Syracuse, Montezuma and Oswego, may be made instrumental, by imposing certain duties upon them, in preventing such frauds in future. Notwithstanding the depredations upon the revenue, the salt inspected during the year 1830, exceeds that of the year 1829, by about one hundred and forty-three thousand six hundred bushels.

There is another subject connected with our interesting establishment for manufacturing salt at Salina, to which I am desirous of directing your attention. A large capital has been invested, and a great many persons are employed in the production of both coarse and fine salt. Coarse salt, weighing seventy-six pounds, and of a purity equal to any in the world, is sold at a price, which yields the manufacturer nine cents per statute bushel of fifty-six pounds, and fine salt is sold at six cents. Under the heavy state duties, both directly upon the article, and indirectly through canal tolls upon that transported to a distance, the dealers have pushed it into competition with the foreign article east, upon the Hudson river and northern canal, and west as far down the Ohio river, as Wheeling.

The law passed at the last session of congress reduced the duty upon foreign salt five cents, on the first day of the present month, and will reduce it five cents more on the first day of January next; making a reduction in the whole of ten cents, being one cent more than the value of coarse salt, at the manufactory. It is evident that the effect of this reduction will be to circumscribe our salt trade, and ruin many of those engaged in its production. It has been supposed, that the constitution, securing the duties without diminution to the canal fund, presents an insuperable obstacle to relief. Yet a remedy by bounty or otherwise may be found, and the subject is of sufficient importance, both as it regards the persons concerned in the manufacture of a commodity of indispensable necessity, and as it concerns our revenue, to engage your earnest attention.

I have received an interesting report from the President of the Hudson and Delaware canal, which I consider of sufficient importance to transmit to you herewith.

The State has an interest in the success of this canal, on account of the large loan, which it has made in aid of its operations. The

report shows, that the company is likely to fulfil, not only its obligations, but also the expectations which it had created. This work is also interesting on account of its opening a new channel of trade, and introducing through it to our markets an important article of necessary consumption.

Among the multifarious concerns of our State which will press themselves upon your notice, the great interests of agriculture, manufactures and commerce cannot fail to be kept constantly in view. While all your measures of general policy, will have a bearing upon these primary interests, it will become you specially to consider how far you can, by measures directly bearing upon them, aid in multiplying their objects and resources, and thereby increase the wealth, happiness and prosperity of the State.

In pursuance of a resolution of the Legislature, during the last session, I issued instructions to the Commissary-General to open a negotiation with the general government, for the settlement of the unliquidated ordnance account. He commenced a correspondence with the subordinate officers, who have heretofore been charged with that matter, which produced no result, for want of proper authority on their part. He afterwards brought the subject directly to the notice of the Secretary at War, who has recently empowered an agent to attend to it, and it is hoped that a favorable result will be produced, without incurring the expense of an attendance at the seat of government.

I transmit herewith a report from the Attorney-General relative to the suits, on the claim of John Jacob Astor, and our controversy with New-Jersey.

In the month of February last I concluded a treaty with the Orchard party of the Oneida Indians, by which they ceded to this State one thousand acres of their land. During the last summer the Agent of the State accompanied about one hundred and twenty of this party, and about one hundred of the first Christian party of Oneida Indians to their lands near Green Bay. I have received from the highest sources, information that the Oneida Indians who have removed to that place, are very much improved in their condition. They evince an industry, providence and sobriety, which have stamped a new character upon them.

The act for the employment of Special Counsel, to prosecute the abductors of William Morgan, will expire by its own limitation, on

the first day of May next, and it will be your duty to determine upon the propriety of its further continuance. It is much to be regretted, that the ample provisions, heretofore made by special statutes, to punish the actors in this conspiracy, have not produced results as favorable to the cause of vindicatory justice, as all well wishers to good order have desired. Money has been placed at the discretionary disposal of the officer intrusted with the prosecutions, and has been liberally expended by him. No item which he has certified to be necessary, has been rejected by the accounting officer, and no justifiable aid, within the constitutional power of the Executive, during my administration, has been withheld. It is but justice to myself to say, that in all cases where the Executive arm was necessary to reach fugitives, who had taken shelter from the ordinary process of our courts within the jurisdiction of other states, it has been stretched out for that purpose : and that where, from accidental causes, courts were like to fail for want of presiding officers, my exertions have always been unremitting and uniformly successful to sustain them. The statute of limitations closed upon the misdemeanors growing out of this outrage, in September 1829. The judge of the Eighth Circuit informed me, that he should resign at a certain period, whereby the opportunity to present indictments in the counties of Niagara and Monroe, before they should be barred, would be lost. I commenced an active correspondence with the judges of the supreme court, and judges of the other circuits, who were then busied in holding courts within their respective districts, and finally made arrangements, by means of which courts in both those counties were held in season, and a sufficient time, to enable the public prosecutor to present all the indictments which he was prepared to sustain.

The great number of indictments pending in the county of Niagara, was supposed to present a good reason for the appointment of a special circuit court, in the hope, among other considerations, that all the prosecutions might be disposed of, so as to quiet the public mind, and put a stop to the large annual expenses incurred by unnecessary procrastination. A law was accordingly passed, at the last session, directing a court to be held by one of the justices of the supreme court, on the first Monday of June last, a period sufficiently distant from the time of passing the act, to enable the special counsel, then familiarly acquainted with the subject, and in the possession of all the information, and of a knowledge of all the witnesses, to prepare the causes for trial. I was surprised by receiving in the



month of May the resignation of the special counsel; an incident of which I had no previous intimation. I corresponded immediately with counsel, by me thought qualified to discharge those important duties upon an emergency, and succeeded, eventually, in inducing Mr. Birdseye, of Onondaga, a gentleman of respectable talents, and long experience in criminal prosecutions, to accept the trust. In the mean time, I directed the late special counsel to deliver over to the district attorney of Niagara county, all the papers and information in his possession, and requested the district attorney to proceed in preparing the causes for the court. Deeming it my duty to omit no proper measures for the vigorous prosecution of the trials, I also employed Bowen Whiting, esquire, the district attorney of the county of Ontario, who had been the prosecutor of the conspirators in the latter county, to aid Mr. Birdseye in the prosecution, and promised to recommend him to the Legislature for a suitable compensation. As no provision has been made, by law, for the employment of additional counsel, and the exigency arising from the then recent resignation of the special counsel, and which could not have been anticipated by the Legislature, made such aid, in my opinion necessary, I do therefore recommend, that provision be made to compensate Mr. Whiting for his services. The report of Mr. Birdseye is transmitted herewith.

I am conscious that I shall meet with a response in your feelings, while I commend to your friendly aid, those surviving officers and privates of the revolutionary war, who have not yet partaken of the bounty, or shared in the justice of the government. I allude to those who engaged in the struggle for independence, at an early stage of the war, stimulated by an ardent patriotism, without any promise of reward, and have therefore not yet been deemed proper objects of remuneration. Their services are certainly not the less meritorious, because they were disinterested. Many of them have lingered to this day with disease and penury, in consequence of their early sacrifices in the common cause. I trust that you will add your earnest expressions to the efforts which will be made by others, to procure from the National Government, a suitable provision for their old age, out of our now exuberant treasury.

Highly favored as we are by climate, and an exemption from those direful diseases and terrific convulsions of nature which shorten life, or render its continuance wretched, in otherwise genial climates and fruitful regions, we are no less so by soil and mineral treasures,

which yield generous returns to the hand of labor. Our wilderness, penetrated by the hardy and enterprising adventurer, and in latter times intersected by channels of intercourse, accomplished by the resources and wise policy of an enlightened government, has given place to highly cultivated fields and blooming gardens, manufacturing towns, villages and cities. But a few years have elapsed, since we were dependent upon foreign skill and industry for nearly all of our fabricated necessities; but now, the manufacturer has almost imperceptibly set himself down by the side of the agriculturist, and we are beginning to be able to supply ourselves with all the wrought articles indispensable to our comfort, from the American workshops.

While our population is rapidly increasing in the country, and wealth diffusing itself in a manner which shows the even bearing of our political institutions upon individual rights, our great commercial city, which connects our interests by its trade with foreign countries, exhibits a population augmented in a ratio beyond all former example. An increasing attention is paid by enlightened and humane individuals, to the intellectual and moral improvement of the rising generation. And above all, we enjoy a freedom of action and of conscience in every thing which is the birthright of man, so far as it is compatible with the salutary restraints of government.

Let it not, then, be said of us, that where wealth and freedom reign, contentment fails; but let us turn our eyes and thankful hearts to the benevolent Author of all good, and beseech him to guide, by his infinite wisdom, our counsels, so that we may continue in his favor, and in the enjoyment of all our blessings.

ENOS T. THROOP.

*Albany, January 4, 1831.*



No. 3.

**IN ASSEMBLY,**

**January 4, 1831.**

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**Documents accompanying the Governor's  
Message.**

[No. I.]

**Letter from the Attorney-General, concerning the Boundary  
Line between this State and the State of New-Jersey.**

*Albany, December 27, 1830.*

SIR—

In a former communication to your Excellency, (Legislative Documents of 1830, No. IV.) I mentioned the commencement of a suit by the state of New-Jersey, against the people of this state, relative to the question of disputed boundary between the parties. The Supreme Court of the United States, at its last term, decided that the process previously issued in the suit, had not been duly served; and, without disposing of the question of jurisdiction, awarded further process. This has subsequently been served upon the Governor and Attorney-General, and is returnable on the first day of the next January term of that court. It is probable that the counsel for New-Jersey will then move for some order or decree in the cause, which will make it necessary for the court to decide whether it can exercise original and compulsory jurisdiction over a state. Upon this question, I have seen no cause to change the opinion expressed in my former communication.

I am, with great respect,

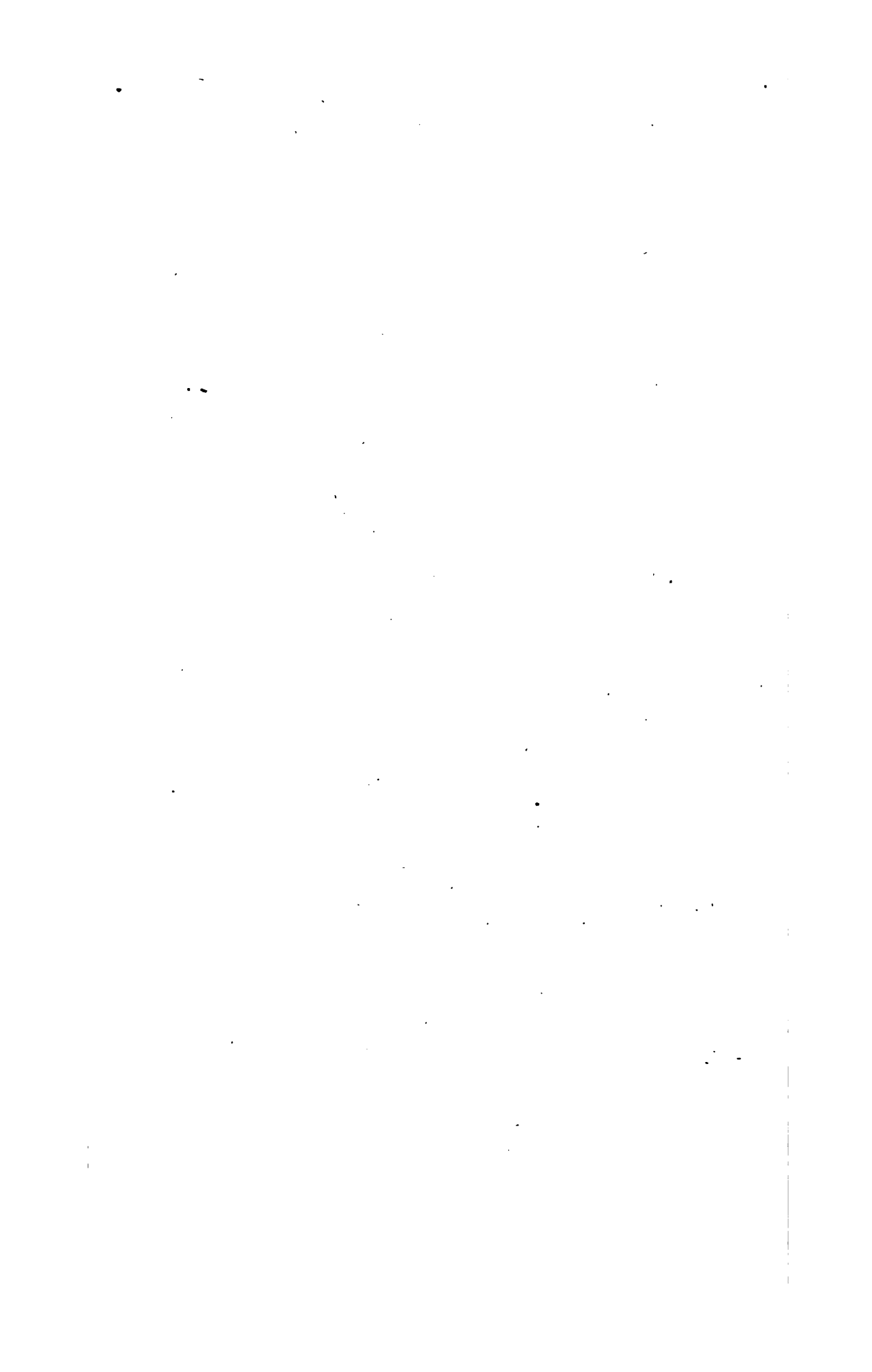
Your Excellency's

Ob't. humble servant,

GREENE C. BRONSON,

*Attorney-General.*

His Excellency, Governor THROOP.



## [No. II.]

Letter from the Attorney-General, concerning the Claim  
of John Jacob Astor and others.*Albany, December 29, 1830.*

SIR—

Since the adjournment of the Legislature, two of the suits brought upon the claim of John Jacob Astor, and others, to certain lands in the counties of Putnam and Dutchess, have been tried, and judgments have been rendered therein in favor of the plaintiff.—Bills of exceptions were prepared for the purpose of reviewing those judgments in the Supreme Court of the United States, pursuant to the acts of the legislature of the years 1827 and 1828, upon that subject.

I had hoped that nothing would prevent a decision of the causes, at the next January term of the appellate court; but a difficulty that has arisen about the settlement of the cases, has rendered such a result impracticable, without the abandonment on the part of the defence, of what I consider important and legal rights.

Upon each of the trials, a very able charge was delivered to the jury: the substance of which was inserted in the bills of exceptions, because the counsel for the defence believed it objectionable in point of law. The counsel for the plaintiff proposed to strike out this part of the case, and the whole was struck out on the settlement of the bills by the court. Upon learning this result, I lost no time in asking the Circuit Court to reconsider its determination, and respectfully insisted on the insertion of the charges as matter of legal right. But the court adhered to its first determination, and the bills as settled, do not even mention that a charge was delivered to the jury.

Although I was very desirous to terminate this litigation as soon as possible, and in any event to avoid any complaint of delay from the opposite party, I could not without a dereliction of duty, proceed to bring writs of error, until a further effort had been made to correct the bills of exceptions. I have therefore declined engrossing the bills to be signed; and shall (if not otherwise instructed) take the proper measures to bring the subject before the Supreme Court of the United States, at its next term, by way of a motion for a mandamus to the Circuit Court; and whatever may be the result of this proceeding, I shall then have done all that the forms of law either authorise or require, for obtaining a proper settlement of the cases.

I am, with great respect,

Your Excellency's

Ob't. humble servant,

GREENE C. BRONSON,

*Attorney-General.*

His Excellency, Governor THROOP.



## [No. III.]

## Letter from the Special Counsel, concerning the Morgan Trials.

*To his Excellency ENOS T. THROOP, Acting Governor of the State of New-York :*

SIR—

It is my duty to report to you the progress I have made in the discharge of the duties of Special Counsel for conducting the prosecutions against those alleged to be concerned in the outrages committed on William Morgan.

The very late period at which I received your letter intimating your wish to devolve this business on me, left me but a few days to arrange my business, so that I could leave it and travel post haste to the place assigned for holding the special circuit designed for the trial of a part of these causes.

Not having been previously initiated into the peculiar questions which these causes involved, and a stranger to the witnesses, their habits, character and inclinations towards the prosecutions; and finding on my arrival there, many of the material witnesses absent, I was necessarily tardy in the commencement and progress of the causes.

I found there four indictments to be tried; and tried two of them. One against Brown and Wright, who were both acquitted; and one against Ezekiel Jewit and another. Jewit alone was tried and acquitted. The other defendant in that indictment was represented to the court by his counsel to be so sick, that his life was despaired of. His counsel opposed his trial then on that ground. Under that suggestion I moved the separate trial of Jewit the co-defendant.

The time consumed in preparing for these trials and getting through with them, and the incidents occurring on the trials, imposed, as I thought, a duty upon me to move an adjournment of the court.

As to one indictment against several yet untried, a very material witness in behalf of the prosecution was found to be so situated that he refused to testify, and under the decision of the court in the case of Mather, I thought the objection well taken. This witness had been included in that indictment as one of the defendants, and the supreme court, on the motion of my predecessor, had ordered a nolle prosequi as to him on the indictment. This course had been taken with a view to use him as a witness. He was called upon the stand to testify in one of the causes tried, and refused to testify on the ground that there was still another indictment pending against him for the same matter. This was probably unknown or not adverted to by my predecessor. It was unknown to me until the fact came out on the trial. That indictment was pending in the oyer and terminer of Niagara county. But at the time the fact came to my knowledge, the court of oyer and terminer (in session in connection with the special circuit) had been adjourned without day, the judges



being impatient to be dismissed, and no business occurring to me as likely to need their attendance.

Under those circumstances, a necessity seemed to be imposed upon me to have the special circuit adjourned to some day beyond the then next oyer and terminer for the county of Niagara, so that at such court a nolle prosequi might be had on the old indictment. That next court being the sixteenth of November, it was adjourned over to the second Monday of January; a nolle prosequi has been had upon the former indictment, and the objection is now removed.

The course taken by some of the witnesses at the Lockport circuit, and the satisfactory evidence that we had, that other material and important witnesses had either voluntarily absented themselves, or been persuaded to abscond, were additional considerations, as I thought, why it was not my duty to put any more on trial then, for the mere purpose of a formal acquittal.

The course of witnesses alluded to, was that of one who refused to answer questions decided by the court to be proper and pertinent, and that of two others who refused to be sworn at all. These were promptly punished by the court for the contempts. Another absconded during the trial in which his testimony was wanted. How far the contumacious witnesses were influenced to the course they took, by the persuasions or advice of interested friends, I have no means of knowing, but presume that the ascertained legal consequences of such conduct, or the manner in which public opinion has relished it, will prevent a repetition of such acts of defiance against the authority of the government.

At the recent trial of Gillis, Whitney, one of the witnesses who refused at Lockport to be sworn, altered his course and testified.— Had he testified at Lockport to what he has since, and had Bruce testified there to what he had before, I believe the only possible point of uncertainty with the jury in the case of Brown and Wright, (that of Morgan's being in the carriage with which they had to do,) would have been dispelled. As to Turner, who refused on the trial of Ezekiel Jewet, to testify to the facts believed to be within his knowledge, we have not the same certain means of knowing that his testimony should have convicted the defendant.

As to the witness Giddings who absconded during the trial of Jewet, his course was equally a surprize upon the prosecution. It is known that he had once before been presented before a court in Ontario county and there rejected for the want of the supposed requisite religious belief.

Soon after my arrival at Lockport, I was addressed by the defendant's counsel to know if I should examine him. I took time to ascertain all the facts so as to answer understandingly, but reciprocating the freedom which dictated the inquiry, I asked the defendant's counsel to say to me whether, if he were examined, any attack would be made upon his character for truth and veracity. I received for answer that his character in that respect would not be attacked, for they knew it could not be. Having made deliberate examination as to the extent of the testimony in the power of the prosecution to produce, to sustain him on the matter of fact ruled against him in Ontario; and also having formed a most deliberate conviction that

that decision was erroneous in point of law, and after the assurance of the defendant's counsel as to his character for truth and veracity, which I found confirmed on inquiry, I felt bound to say that I should examine him if permitted. Any remarks upon the reasons for his departure, would be improperly introduced here, as he has yet to answer for that.

One other incident disclosed upon the Lockport trials, seems to be of such a nature as to deserve to be brought officially to the notice of your Excellency. One witness persisted in swearing impliedly to the murder of Morgan, in order to protect himself from answering the questions put to him; swearing, as the reason for such refusal, that he might thereby implicate himself as an accessory before the fact in the murder of William Morgan; and persisted in the answers after being cautioned by the Judge that he would perjure himself by such answers, unless Morgan was in fact murdered, and unless he had satisfactory knowledge or information of the fact, or at least something more than mere hearsay or public rumour; and that if the laws of man did not punish him, the laws of God would.

Mature reflection on this incident, as well as the general history of these prosecutions, where we have found so many stratagems resorted to, to frustrate inquiry, has induced me to venture the suggestion, whether the constitutional guarantee that no man in a criminal case should be compelled to be a witness against himself, ought not to be placed by a general statute upon a different footing than that of a judicial immunity from testifying, on the ground that such testimony may be subsequently used for the conviction of the witness. Ought not the witness to be compelled to testify; and would not his security from any ill effects of such disclosure be sufficient, if that testimony were inadmissible in any criminal case against himself? That is a principle already recognized in our statute book, and I see no reason why it should not be made general. (See 2d Revised Laws, 174, sec. 42.) If this security be not thought adequate in cases of high crimes, then permit the government, under the special direction of the chief magistrate, in all such cases, to use the same means to compel an associate to testify as any other witness, and make the giving of such testimony a bar to all prosecutions against the witness for any participation in the alleged offence: I say, provide by a *general statute*, for I would not suggest for these cases a special law.

It would seem that such general statute would be preferable to any common law practice of favoritism, or the practice of giving rewards to witnesses to testify; a practice occasionally resorted to by most governments, but not congenial to the feelings of our people.

The great duty of the government to protect its citizens, administer justice impartially and punish the guilty, would seem to impose on it the duty of adapting its laws to the improved ingenuity of those who break the law.

At the November general sessions in Ontario county, James Gillis was tried. This was the only indictment remaining untried in that county. This defendant had been before once tried, and the jury discharged because they could not agree. The testimony against him on this trial was wholly circumstantial, and seems

not to have been so conclusive in the minds of the jury who tried him, as to warrant his conviction. This defendant and his brother moved to the southwestern part of Pennsylvania soon after Morgan's abduction, and took with them an apprentice of the brother, who is now reported to me to remain there in the employ of the defendant. If his evidence, as given before the grand jury on the finding of this indictment, be correctly reported to me, the strength of this case was materially impaired by our inability to command his testimony. But he was beyond our reach.

There are two indictments depending in Monroe, one of which is suspended by some special pleading, the question on which was submitted to the Supreme Court at the last May term, and is yet under advisement before that tribunal. Should they decide it at the approaching January term, as I understand they will; and should they so decide it that a trial will be required in the cause, these two causes may be tried at the next circuit in that county, if a judge can be procured to attend. Judge Gardiner declines to try any more of these causes, as I understand.

The reason for not attempting to try the one cause without the other, were in part the great oppression upon the witnesses, and the expense of assembling them for one of these trials, when there was a reasonable probability that, by waiting for the decision of the Supreme Court, we might get a chance to try both at the same circuit; a coincidence very much to be desired, if we shall have to procure a distant judge.

One other indictment is depending in Genesee county. This has been removed by certiorari to the Supreme Court, to which a special plea has been interposed. The issue is not joined, owing to circumstances beyond my control.

The adjourned Special Circuit, which had been fixed for the second Monday of January, as being as early a day as other considerations would permit after the regular oyer and terminer in that county, in consequence of the resolution of Judge Gardiner to try no more of these causes, it has been found necessary to get further adjourned. It is expected that Judge Gardiner will attend on the second Monday of January, therefore, and adjourn the court to the second Monday of February; when it is hoped that a judge of the Supreme Court may be able to attend, without interfering with the approaching term of that court.

The above detail as well of what has been done as of what remains to be done, I have thought proper to present, that your Excellency might be accurately informed of the present state of this business.

In the discharge of the duties devolved on me by this appointment, I have received the most essential assistance from Mr. Whiting, whom your Excellency was pleased to request to act as my associate counsel on these trials. His previous acquaintance with the facts and questions arising in these causes, as well as his local and personal information of the whole subject, added to his talents and experience as a lawyer, made his aid most welcome. Indeed, the formidable array of able and experienced counsel in all these causes, with a disposition to contest every inch of ground, would seem too formidable for me to encounter alone.

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Having, in the several interviews I have had with your Excellency on the subject of these cases, been constantly impressed with your unceasing anxiety to bring all the guilty to speedy and exemplary punishment, I regret that I have as yet been so unfortunate in carrying your wishes into effect.

Very respectfully, I am, Sir,  
Your obedient servant,

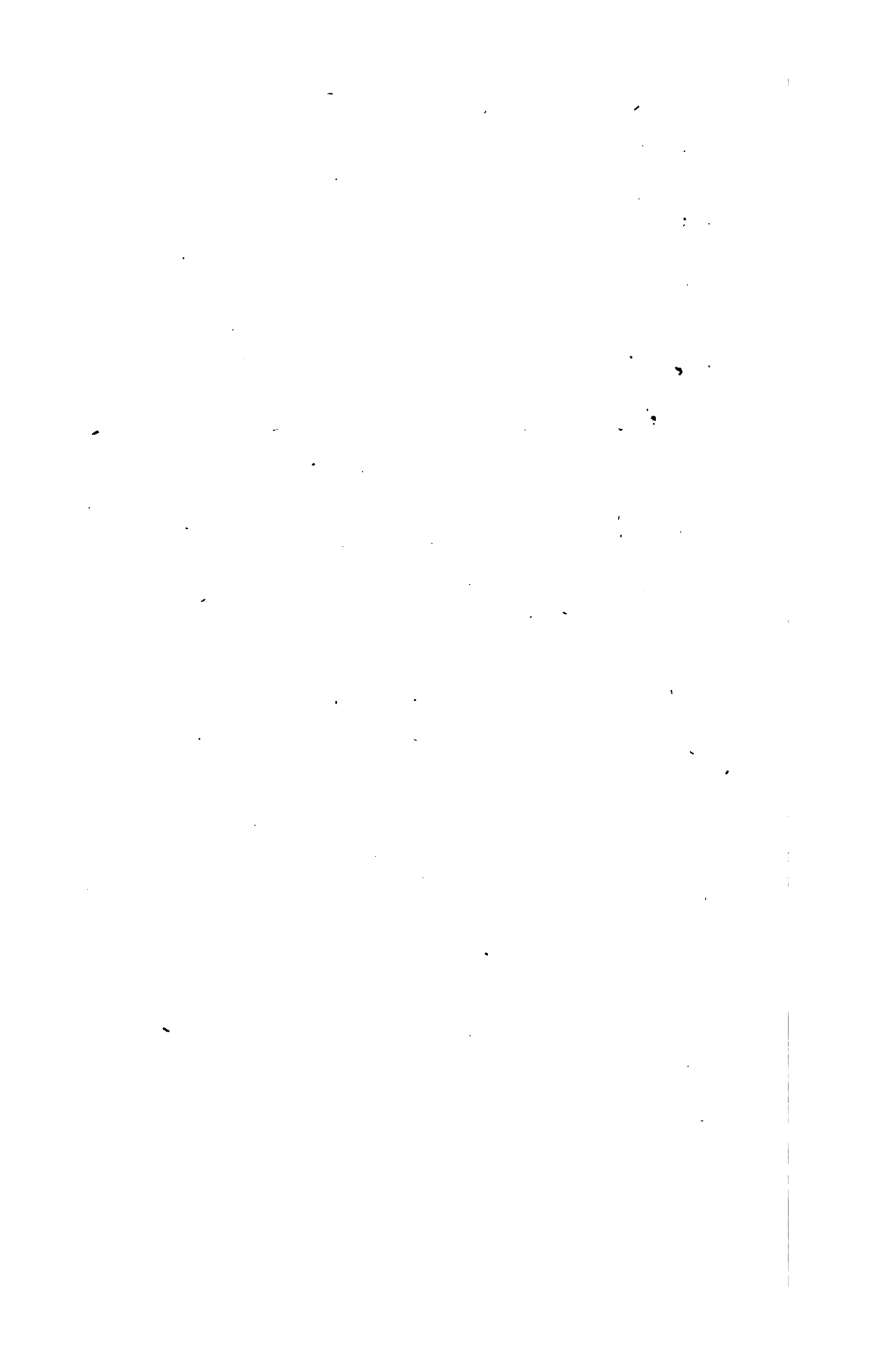
VICTORY BIRDSEYE,  
*Special Counsel.*

To His Excellency ENOS T. THROOP,  
*Acting Governor of the State of New-York.*

*Albany, December 30, 1830.*

[A. No. 3.]

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## [No. IV.]

## Letter from the President of the Delaware and Hudson Canal Company.

*Office of the Delaware and Hudson Canal Company.**Bolton, December 11, 1830.*

SIR—

The Delaware and Hudson Canal Company consider it their duty to communicate to the Executive of the state of New-York, the progress they have made in the great objects for which they were incorporated.

This would seem but proper, were they to rest their claim on the attention of the executive, solely on the ground that they had succeeded in introducing through the interior of the state of New-York, the anthracite coal of Pennsylvania, of a very superior quality. But it would seem to be more especially their duty, when the legislature have at different periods, extended their aid to the company, in accomplishing the work in which they have been engaged, to advise the government of its progress and utility.

The managers feel a just pride in the reflection, that they have faithfully fulfilled the objects of the incorporation, and that so far, the predictions of the interested and incredulous have been compelled to yield to the force of facts and the stubborn reality of the completion and successful operation of their work.

Your excellency will readily appreciate the difficulties which had to be encountered by a private company, in constructing a canal of 108 miles in length, through a country, which to common observers, seemed impracticable for a work of this description, and a rail-road of 16 miles, overcoming an ascent of 855 feet, in a country thinly inhabited. The latter is the first of its kind in this country, requiring all the combinations for ascending and descending planes, with engines worked by steam and gravity, and shows how readily skill combined with capital can overcome the most formidable obstacles.

Towards the close of 1829, I had the honor to communicate to you, that upwards of 7,000 tons of coal had been brought to the Hudson, and disposed of chiefly at 8 dollars per ton, at the same time it was intimated that the price would be reduced the ensuing season. What the price should be, became an important consideration with the Board, between the close and resumption of active operations. Our want of considerable means for enlarged operations, our duty to the stockholders and to the public, had each a due share in the deliberations of the Board. In our second application to the legislature for aid, we assumed 6 dollars per ton of 2,240 lbs. as the price at which we could afford to sell at tide water. Our brief experience of the past season, although under many disadvantages, sufficed to test our estimates, and the price was accordingly fixed at 6 dollars per ton, at which it has been sold throughout the season.

We are now encouraged to hope that with still more enlarged operations, we shall be enabled to realize, in respect to price, the expectations of the public, so far as they are founded on our representations. As a measure of economy, time was taken last spring to put the canal in the best possible condition, which deferred the opening until the 27th April; and the very slight interruptions which have occurred in the navigation, proves the good judgment of our chief engineer, Mr. Jarvis, in thus deferring the opening of the canal. It has now become a solid, substantial work, and the exposed points on the Delaware and Lackawaxen have been well secured. They have been recently subjected to a severe test, a heavy fall of snow was succeeded by several days of incessant rain. The Delaware and Lackawaxen rose with great rapidity. The former, at our crossing place, 12 feet in 24 hours; the only injury sustained, was on the Lackawaxen, by the water passing through the slope wall, and washing some of the bank into the canal, which was repaired at an expense of 15 dollars. This detail is given in consequence of doubts having been expressed of the stability of this part of our work, in an official report to the legislature in 1829.

Our rail-road has fully met our expectations, since the substitution of ropes for chains on the inclined planes. This change, however, which was effected at the close of winter, was very expensive. The quality of the coal in the river flat disappointed us. It had been too long exposed to the action of the elements, and its use last season gave consumers an unfavorable impression. We were on this account compelled by a year earlier than was intended, to commence drifts on both sides of the valley, and at the same time to get out the coal for market this year. To have performed this work with the greatest advantage, the making of drifts should have preceded the mining. This will be done during the suspension of navigation, and will enable us to enlarge our operations the ensuing season. Notwithstanding this difficulty in our mining operations, we have brought to market this year 41,500 tons of coal, all of first quality, except about 1,500 tons of surface coal brought over the rail-road last winter, and the boats yet to arrive will increase the whole quantity to 43,400 tons.

The quality of this coal is so superior and has proved so satisfactory to consumers, that it has entirely redeemed its character, where it had been impaired by reason of the mixture of inferior or surface coal among that which was brought to market in 1829.

We beg leave respectfully to represent to your Excellency that the benefits of our work to the citizens of this state, are no longer a matter of speculation. It is conceded that the price of fuel has been reduced beyond the most sanguine expectations, in this our first season, of tolerably successful operation. Last season, in the city of New-York, foreign bituminous coal was at 12½ dollars per chaldron; anthracite 11 and 11½ dollars per ton. Foreign was recently sold at \$6.50, about a dollar lower than the average per chaldron. Virginia coal is about 25 per cent. less than last year, and the dealers retail ours at \$7.50, including cartage, leaving \$6.75 as the price of the coal at the yards per ton of 2,240lb. The reduction in the price of wood commenced with the first season of our navigation between

the Delaware and the Hudson in 1828, since which wood has been lower than it had been in 20 years previous.

There was a time, and that only a few years past, when reflecting men anticipated a check to the growth of the city of New-York and its continued prosperity from the high price of fuel, and within three years the humanity and benevolence of the citizens were taxed to the amount of 15 or 20 thousand dollars to supply the suffering poor with fuel ; this cannot occur again. In the abundant stock of coal in market, and our ability to meet the increasing consumption, the citizen is relieved from the necessity of laying in his whole stock of fuel for the winter at one time to guard against excessive prices, should the winter be long and severe ; and the benevolent heart is freed from all anxiety in respect to the sufferings of the poor from this cause. We confidently trust that in the opinion of all unprejudiced minds, we have redeemed our pledge to the state, in furnishing a superior coal at a price much less than it had ever sold for. We have had to contend with a vigorous competition from companies and individuals engaged in the same business, which has been surmounted ; and we confidently predict that, with the fostering care of the state, the loans she has so generously aided us in procuring, will in due time be paid without any defalcation.

I have the honor to be,

Very respectfully,

Your Excellency's

Ob't. servant,

JOHN BOLTON,

*President.*





**No. 4.**

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**IN ASSEMBLY,**

**January 6, 1831.**

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**MESSAGE**

**From the Governor, transmitting Resolutions from  
the States of Connecticut, Vermont, Mississippi  
and Louisiana.**

**TO THE ASSEMBLY.**

**GENTLEMEN—**

I have the honor to transmit to you Communications from  
the Executives of the States of Connecticut, Vermont, Mississippi  
and Louisiana, transmitting to me Resolutions of the Legislatures of  
their several States.

**E. T. THROOP.**

**Albany, January 6, 1831.**

**[A. No. 4.]**

## COMMUNICATION

**From the Executive of the state of Connecticut, relative to proposed amendments to the Constitution of the United States.**

**STATE OF CONNECTICUT.**

**EXECUTIVE DEPARTMENT, }**  
*August 28, 1830.* }

**SIR—**

In compliance with the request of the General Assembly of this State, I have the honor to transmit to you the inclosed document to be laid before the Legislature of the State over which you preside.

With high consideration,

I am your ob't. servt,

**GIDEON TOMLINSON.**

*To his Excellency the Governor of New-York.*

**STATE OF CONNECTICUT, }**  
*General Assembly, May Session, 1830. }*

The Joint Committee to whom was referred that part of the Message of the Governor which relates to the proposed alteration of the Constitution of the United States—*Report,*

That they have had under consideration the part of the Message referred to them, and also a resolution of the General Assembly of Missouri, declaring "that it is expedient to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice-President throughout the several States, and to give to the people of the United States the privilege of voting directly for the President and Vice-President, without the intervention of electors, reserving to the States, respectively, their due weight in relation to the said election, as is guaranteed to them by the Constitution of the United States. And that the election of President and Vice-President should, in no case whatever, be submitted to the decision of the House of Representatives of the United States."

Your committee have also had before them a resolution of the Legislature of Georgia, expressing their concurrence on this subject, with the Legislature of Missouri; and a resolution of the Legislature of Vermont, expressing their opinion, that it is inexpedient to alter the Constitution of the United States in the manner proposed by the State of Missouri.

Believing that the Constitution should not be altered for light and transient causes, your committee have carefully sought for the evidence of existing evils, which require the proposed alterations; they have, however, not been able to find it. The Presidential election is full of interest to the people of the United States. Party strife and unhallowed ambition, with their necessary consequences, the prostitution of public patronage, and the corruption of private inte-

grity, have occasioned some anxiety for the permanency of our political institutions. For the restraint and correction of such evils, incident, as they are, to our free government, the patriot looks not to a change of Constitution, but to a sound, enlightened public opinion—a power which, no purposes of selfish ambition, no claims of party, no unhallowed combinations can resist. But it is said, that the provisions of the Constitution, as they now exist, may, and frequently do, prevent a fair expression of the will of a majority of the people, in the election, and are thus at variance with the fundamental principles of the Constitution. If the committee had been furnished with the details of the proposed alterations, they could speak with more confidence of their probable operation. It is believed, however, that enough is disclosed to justify the opinion, that the principle assumed is not in accordance with the spirit of the Constitution. The framers of that instrument were men of the utmost purity, talents and patriotism; their wisdom approached inspiration; and every year of our political existence has increased the inestimable value of their great work. Their object was not the formation of a consolidated empire, but a combination of the energies of the distinct State sovereignties, for certain specified national purposes. The strictly popular representative principle does not appear to have been adopted in the formation of the Constitution; and if it had been, the State sovereignties would have been merged in a grand consolidated government, which, it will be acknowledged on all hands, could not have subsisted to this time. The convention found great difficulty in the adjustment of the second article of the Constitution relating to the executive; but so happy were they, finally, in the arrangement of its checks and balances, that no article met less opposition in the State Conventions. It provides for a fair expression of the will of the people, and yet protects the independence of the smaller States from the overwhelming influence and power of the larger ones. The evils should be apparent, and the reason plain and unanswerable, to justify an alteration of this part of the Constitution, in the manner proposed. Your committee have been unable to find any such reasons, and in their opinion a concurrence in the proposed amendments would hazard the relative influence of the smaller States. They, therefore, recommend the adoption of the accompanying resolutions. All which is respectfully submitted.

Signed per order.

WILLIAM W. BOARDMAN, Chairman.

*At a General Assembly of the State of Connecticut, holden at New-Haven, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty,*

**RESOLVED**, That this General Assembly do not concur with the General Assembly of the State of Missouri, in the proposal to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice-President of the United States, without the intervention of Electors; and that the election of President and Vice-President, should, in no case whatever be

submitted to the decision of the House of Representatives of the United States.

*Resolved*, That His Excellency the Governor be requested to forward copies of the foregoing Report and Resolutions, to the Executives of the several States, with a request that they be laid before their respective Legislatures.

A true copy of record, examined and certified by

THOMAS DAY, Secretary.

## COMMUNICATION

From the Executive of the State of Vermont, relative to proposed amendments to the Constitution of the United States.

STATE OF VERMONT.

SECRETARY OF STATE'S OFFICE, }  
Woodstock, Dec. 10, 1830. }

SIR—

I have the honor of transmitting to your Excellency a copy of resolutions of the Legislature of this State.

I am, with great respect,

Your Excellency's

Obedient servant,

NORMAN WILLIAMS,

*Secretary of State.*

*His Excellency the Governor of New-York.*

STATE OF VERMONT.

IN GENERAL ASSEMBLY, }  
October 30, A. D. 1830. }

The judiciary committee, to whom was referred a communication from His Excellency the Governor, enclosing communications from the states of Georgia and Connecticut, relative to proposed amendments to the constitution of the United States, "so as to provide a uniform mode of electing President and Vice-President, throughout the United States, and to give to the people the privilege of voting directly for the President and Vice-President, without the intervention of electors,"

REPORT :—

That they have had under consideration the said communication, and also a resolution of the General Assembly of the state of Louisiana, proposing to amend the Constitution of the United States, "so as to extend the term of office of the President and Vice-President to six years, and to render the President ineligible after the first election;" and that, in the opinion of this committee, it is inexpedient to make the proposed alterations in the constitution, and therefore recommend to the General Assembly the adoption of the following resolutions :

*Resolved*, the Governor and Council concurring herein, That the General Assembly do not concur with the General Assembly of the state of Georgia in the proposal "to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice-President, without the intervention of electors; and that the election of President and Vice-President should, in no

case whatever, be submitted to the decision of the House of Representatives of the United States."

*Resolved*, That this General Assembly do not concur with the General Assembly of the state of Louisiana, in the proposal to amend the constitution of the United States, "so as to extend the term of office of President and Vice-President to six years, and to render the President ineligible after the first election."

*Resolved*, That the Governor of this State be requested to forward a copy of the foregoing resolutions to the Executive of each State, with a request that they be laid before their respective Legislatures.

JAMES DAVIS, *for Committee.*

*In General Assembly, Nov. 10, 1830.*

Report concurred, and resolutions adopted.

T. MERRILL, *Clerk.*

*In Council, Nov. 10, 1830.*

Read and resolved to concur.

G. B. SHAW, *Secretary.*

A true copy of the report and resolutions on file.

NORMAN WILLIAMS,  
*Secretary of State.*

## COMMUNICATION

From the Executive of the State of Mississippi, relative to the proposed amendments to the constitution of the United States.

SECRETARY OF STATE'S OFFICE, }  
Jackson, 1st October, 1830. }

*His Excellency the Governor of New-York,*

SIR—

I herewith have the honor to forward you, at the instance of his Excellency Governor Brandon, the accompanying resolution, adopted at the last session of the General Assembly of this state.

Very respectfully, Sir,

Your most ob'dt.

JOHN A. GUMBALL,  
*Secretary of State.*

### RESOLUTION

Of the state of Mississippi on the subject of amending the constitution of the United States.

*Resolved*, by the senate and house of representatives of the state of Mississippi, in general assembly convened, That we do not deem it expedient, at this time, to adopt the amendment to the constitution of the United States, passed by the legislature of Missouri, on the 23d January, 1829.

*Resolved*, That the governor of this state be requested to forward a copy of the above resolution to the governors of the several states.

JO. DUNBAR,

*Speaker of the House of Representatives.*

A. M. SCOTT,

*Lt. Governor and President of the Senate.*

Approved, February 10th, 1830.

GERARD C. BRANDON.

I hereby certify the foregoing to be a correct copy of the original roll on file in my office, this 1st October, A. D. 1830.

JOHN A. GUMBALL,  
*Secretary of State.*



## COMMUNICATION

**From the Executive of the State of Louisiana, relative to the Constitutionality of the United States Tariff.**

EXECUTIVE DEPARTMENT, }  
New-Orleans, April 20, 1830. }

SIR—

I have the honor to forward to you the following resolutions, in pursuance of a request of the Legislature of the state of Louisiana.

Very respectfully, &c. &c.

JAQUES DUPRE.

### RESOLUTIONS.

*Resolved, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the General Assembly of this state do not concur in the views and sentiments expressed by the resolutions of the Legislature of the state of Mississippi, relative to the tariff of 1828; that the Legislature of this state does not perceive the unconstitutionality or impolicy of adopting such measures, nor has the state suffered any injury therefrom.*

*Resolved, That we concur in the resolutions of the Legislature of the state of Vermont, by which they have declared the law of 1828, on the tariff, to be constitutional, expedient, and harmless to the southern states.*

*Resolved, That our senators in Congress be instructed, and our representatives requested, to accede to and support such measures as those contemplated by the law of 1828 on the tariff.*

*Resolved, That the Acting Governor be requested to transmit copies of the above resolutions to the governors of the several states, with a request to have them laid before the legislatures of the states respectively.*

A. B. ROMAN,  
*Speaker of the House of Representatives.*  
ISAAC A. SMITH,  
*President of the Senate, pro tem.*

Approved, March 15, 1830.

JAQUES DUPRE,  
*Acting Governor of the State of Louisiana.*

SECRETARY OF STATE'S OFFICE, }  
New-Orleans, April 20, 1830. }

I certify the above to be a true copy of the original remaining in this office.

GEORGE A. WAGGONER.  
*Secretary of State.*

# IN ASSEMBLY,

January 7, 1831.

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## REPORT

**From the Secretary of State to the Assembly, in relation to furnishing the Counties with the Standard Weights and Measures.**

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

*Albany, January 6, 1831.*

The Secretary of State respectfully calls the attention of the Legislature to the annexed communication made to the Senate, in February last, in relation to furnishing copies of the original Standards of Weights and Measures to the several counties.

A bill on this subject passed the Senate at the last session, but was left with the unfinished business of the Assembly. Several applications have been made for copies of the Standards, by county sealers, and it is desirable that provisions should be made for the expense of such copies.

A. C. FLAGG.

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

*Albany, February 19, 1830.*

The Secretary of State, in connection with his duties as State Sealer of weights and measures, would respectfully call the attention of the Legislature to the provisions of the law in relation to furnishing the several counties with copies of the "original standards."

By the old law, the standards for the county sealers were procured at the expense of the counties ; and for the town sealers, at the expense of the towns. 1st Rev. Laws of 1813, p. 377.

The Revised Statutes (p. 609, vol. 1,) says, "copies of such original standards shall be transmitted by the State Sealer to the several county sealers, to be furnished by them to the town sealers in their respective counties, at the expense of the towns." The question is, whether the cost of the original standards transmitted by the State Sealer to the county sealers, shall be paid out of the treasury of the state, or be a charge upon the counties? And if in the former mode, then it is necessary to have an additional provision, that on the certificate of the State Sealer, the amount necessary to procure copies of the standards, shall be paid out of the treasury on the warrant of the Comptroller. But, in the opinion of the Secretary of State, it would be advisable to continue the provision, as heretofore, requiring the counties, as well as the towns, to provide standards at their own expense.

By an act of the last session, (chap. 297, p. 433,) it is provided that the standard weights and measures now in the office of the Secretary of State, shall be and remain the standards, until provision is made by the Legislature for the construction of those contemplated by chapter 19, of the revision. Copies of the standards now in this office, have been furnished to the greater part of the county sealers, at the expense of the counties ; and since so many of them have been thus taxed, it would be entirely equitable to require the few remaining counties to procure copies of the standards at the expense of the counties requiring them.

A. C. FLAGG.

318 North Market-street.  
Rockwell's.  
Rockwell's.

Albany, .....  
West Greenfield, .....  
Manlius,.....

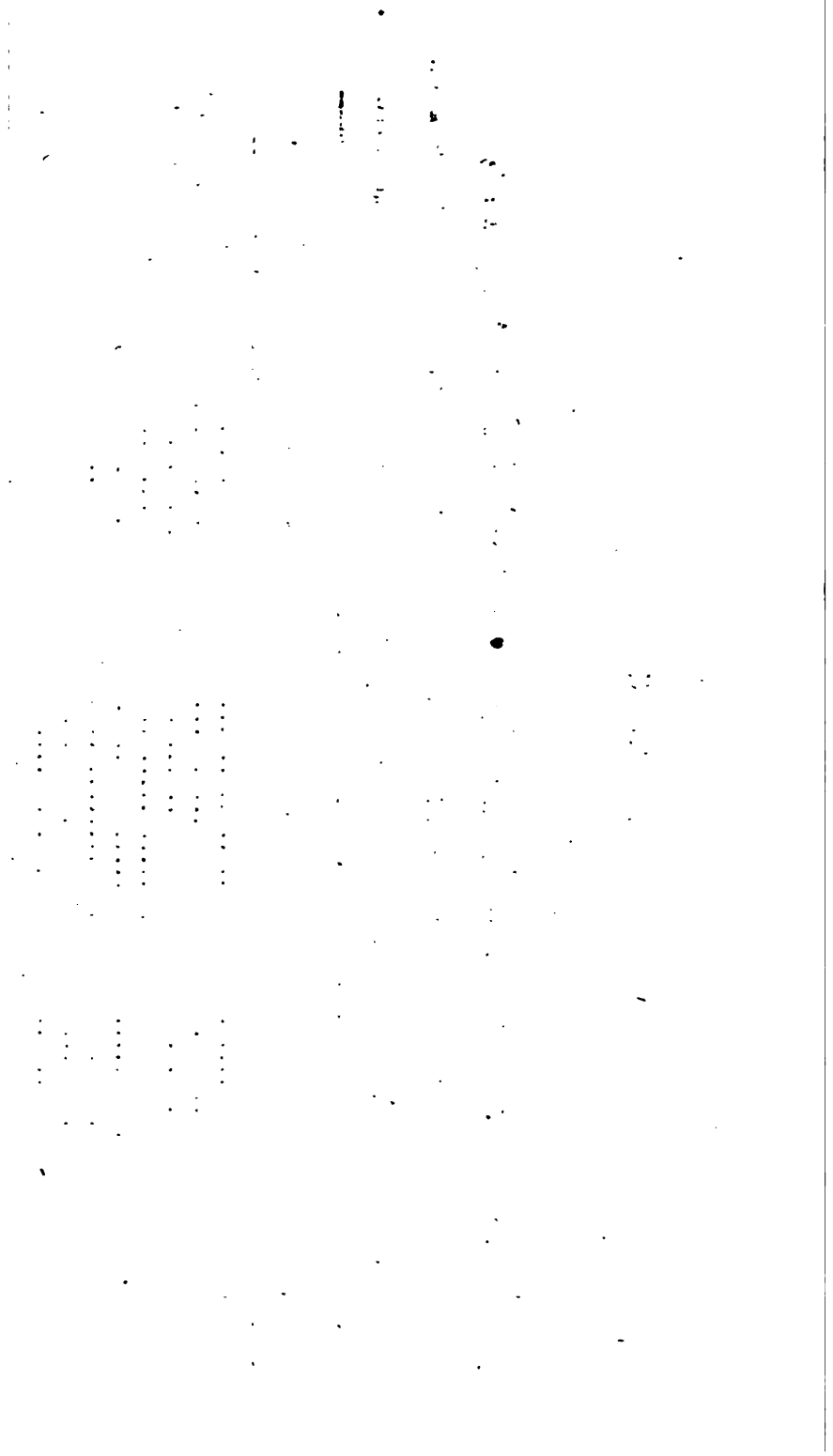
Albany, .....  
Saratoga, .....  
Hawell, .....

Gausevourt, Peter, .....	Albany, .....	318 North Market-street.
Gardner, Howell, .....	West Greenfield, .....	Rockwell's.
Gilbert, Thomas I. ....	Manlius, .....	Rockwell's.
Gilchrist, John, .....	West Charlton, .....	Rockwell's.
Griswold, Chester, .....	Nassau Village, .....	National and Columbian.
Glenside Station	Umpauimus, .....	Albany Coffee House.
Potter, Platt, .....	Minaville, .....	Adelphi.
Price, Peter, .....	Rush, .....	Foot's 128 State-street.
Rawson, Samuel, .....	Victor, .....	Merchants' Hotel.
Remer, Aaron, .....	Peconia, .....	Foot's, 128 State-street.
Whitman, John, .....	Clodville, .....	Rockwell's.
Willcox, Ira, .....	Oxford, .....	National and Columbian.
Williams, David, .....	Berkshire, .....	Rockwell's.
Winne, Peter W. ....	Albany City, .....	P. I. Lewis.
Woodruff, Benjamin, .....	Fayette, .....	Merchants' Hotel.
Woodworth, Charles, .....	Elba, .....	E. cor. N. Mark. & Colum.
Worthington, Aaron, .....	Petersburgh, .....	National and Columbian.
Yawger, Peter, .....	Union Springs, .....	National and Columbian.

FRANCIS SEGER, Clerk, Gourlay's, 89 Washington-street.

AARON V. FRYER, Deputy-Clerk, Mansion, 50 S. Pearl-st. | DANIEL GOULD, Deputy-Clerk, Bement's Hotel.  
 WILLIAM L. GOODRICH, do. | MRS. ROCKWELL'S. | LYMAN R. LYON, do. Gourlay's.

POMEROY JONES, Sergeant-at-Arms, Albany Coffee House.  
 ALONZO CROSBY, Door-keeper, 57 Maiden-lane.  
 OLIVER SCOVIL, Assistant do. 48 Washington-street.



No. 6.

# MEMBERS AND OFFICERS Of the Assembly of the State of New-York,

[A. No. 6.]

THEIR RESIDENCE IN THE CITY OF ALBANY, AND NEAREST POST-OFFICE TO THEIR PERMANENT RESIDENCE.

Hon. GEORGE R. DAVIS, Speaker, Troy, Rensselaer County; National & Columbian Hotel, South Market-street.

<i>Names of Members.</i>	<i>County.</i>	<i>Nearest Post-Office.</i>	<i>Boarding-House.</i>
Andrews, Samuel G. ....	Monroe, .....	Rochester, .....	Eagle Tavern.
Ashley, Daniel, .....	Allegany, .....	Nunda Valley, .....	Foot's, State-st. No. 128.
Benton, Joel, .....	Dutchess, .....	Leedsville, .....	National and Columbian.
Benton, Lewis, .....	Greene, .....	Catskill, .....	Bement's Hotel.
Bettis, Reuben, .....	Oneida, .....	Camden, .....	Fort Orange Hotel.
Bigelow, Otis, .....	Onondaga, .....	Baldwinsville, .....	Rockwell's.
Birdsall, John, .....	Chautauque, .....	Mayville, .....	Adelphi Hotel.
Blake, Edward, .....	Orange, .....	Montgomery, .....	National and Columbian.
Blodget, Harison, .....	Lewis, .....	Denmark, .....	City Coffee House.
Bogert, Jacob S. ....	New-York, .....	New-York, .....	Eagle Tavern.
Boyd, Bennet, .....	Putnam, .....	Kent, .....	National and Columbian.
Brandow, John I. ....	Greene, .....	Coxsackie, .....	P. I. Lewis.



**MEMBERS AND OFFICERS**  
*Of the Assembly of the State of New-York,*

**Hon. GEORGE R. DAVIS, Speaker, Troy, Rensselaer County; National & Columbian Hotel, South Market-street.**

<i>Names of Members.</i>	<i>County.</i>	<i>Nearest Post-Office.</i>	<i>Boarding-House.</i>
Andrews, Samuel G. ....	Monroe, .....	Rochester, .....	Eagle Tavern.
Ashley, Daniel, .....	Allegany, .....	Nunda Valley, .....	Foot's, State-st. No. 128.
Benton, Joel, .....	Dutchess, .....	Leedsville, .....	National and Columbian.
Benton, Lewis, .....	Greene, .....	Catskill, .....	Bement's Hotel.
Bettis, Reuben, .....	Oneida, .....	Camden, .....	Fort Orange Hotel.
Bigelow, Otis, .....	Onondaga, .....	Baldwinsville, .....	Rockwell's.
Birdsall, John, .....	Chautauque, .....	Mayville, .....	Adelphi Hotel.
Blake, Edward, .....	Orange, .....	Montgomery, .....	National and Columbian.
Blodget, Harrison, .....	Lewis, .....	Denmark, .....	City Coffee House.
Bogert, Jacob S. ....	New-York, .....	New-York, .....	Eagle Tavern.
Boyd, Bennet, .....	Putnam, .....	Kent, .....	National and Columbian.
Brandow, John I. ....	Greene, .....	Coxsackie, .....	P. I. Lewis.



Brown, Josiah O. ....	Montgomery, .....	Oppenheim, .....	Albany Coffee House.
Budd, Joseph C. ....	Jefferson, .....	Carthage, .....	City Coffee House.
Cargill, Abraham, .....	New-York, .....	New-York, .....	Miss Lewis'.
Carroll, Aaron, .....	Schenectady, .....	Glenville, .....	Albany Coffee House.
Clark, Henry, .....	Otsego, .....	Unadilla Forks, .....	Adelphi Hotel.
Cole, Walter, .....	Jefferson, .....	Brownville, .....	E. Lewis'.
Collier, Peter, .....	Otsego, .....	Colliersville, .....	American Hotel.
Comstock, Arnon, .....	Oneida, .....	Weston, .....	Fort Orange Hotel.
Conklin, George L. ....	Suffolk, .....	Mattetuck, .....	Merchants' Hotel.
Constant, St. John, .....	Westchester, .....	Peekskill, .....	National and Columbian.
Cook, Paul C. ....	Steuben, .....	Cohocton, .....	Rockwell's.
Cooke, Atwater, junior, .....	Herkimer, .....	Salisbury, .....	Crosby's, Maiden-lane.
Crippen, Schuyler, .....	Otsego, .....	Worcester, .....	Adelphi Hotel.
Curtis, James C. ....	Sullivan, .....	Cochecton, .....	Albany Coffee House.
Downing, Coe S. ....	Kings, .....	Brooklyn, .....	Merchants' Hotel.
Dunlap, Josiah, .....	Steuben, .....	Pultney, .....	Merchants' Hotel.
Earll, Robert, junior, .....	Genesee, .....	Attica, .....	Merchants' Hotel.
Eckerson, John I. ....	Rockland, .....	Scotland, .....	National and Columbian.
Eddy, Seth, .....	Wayne, .....	Marion, .....	Merchants' Hotel.
Edmonds, John W. ....	Columbia, .....	Hudson, .....	Eagle Tavern.
Eldridge, Robert, .....	Schoharie, .....	Leesville, .....	Gourlay's.
Ellis, John, .....	Tompkins, .....	Varney, .....	Mott's.
Fillmore, Millerd, .....	Erie, .....	Buffalo, .....	American Hotel.
Fowler, Robert, .....	Orange, .....	Monroe, .....	National and Columbian.
Freeman, Joseph, .....	St. Lawrence, .....	Columbia Village, .....	City Coffee House.
Gansevoort, Peter, .....	Albany, .....	Albany, .....	318 North Market-street.
Gardner, Howell, .....	Saratoga, .....	West Greenfield, .....	Rockwell's.
Gilbert, Thomas I. ....	Onondaga, .....	Manlius, .....	Rockwell's.

Gilchrist, John, .....	Saratoga, .....	West Charlton, .....	Rockwell's.
Griswold, Chester, .....	Rensselaer, .....	Nassau Village, .....	National and Columbian.
Griswold, Stephen, .....	Genesee, .....	Stafford, .....	Merchants' Hotel.
Hager, Daniel, junior, .....	Schoharie, .....	North Blenheim, .....	Gourlay's.
Halsey, Samuel B. ....	Dutchess, .....	Adrian, .....	National and Columbian.
Harris, John S. ....	Columbia, .....	Ancram, .....	City Coffee House.
Harrison, John T. ....	Richmond, .....	Tompkinsville, .....	Miss Lewis'.
Henry, Robert, .....	Madison, .....	Eaton, .....	Rockwell's.
Hoffman, Stephen B. ....	do .....	Georgetown, .....	Rockwell's.
Hooker, William, .....	Dutchess, .....	South Dover, .....	National and Columbian.
Horsford, Jerediah, .....	Livingston, .....	Moscow, .....	American Hotel.
Hough, Olmsted, .....	Herkimer, .....	East Schuyler, .....	Crosby's, Maiden-lane.
Howard, Fredus, .....	Cortland, .....	Preble, .....	Rockwell's.
Hubbard, Russell, .....	Cattaraugus, .....	Farmersville, .....	Foot's, 128 State-street.
Hudson, Pliny, .....	Columbia, .....	Chatham, .....	Eagle Tavern.
Hulsee, James, .....	Orange, .....	Slate Hill, .....	National and Columbian.
Jarvis, Nathaniel, .....	New-York, .....	New-York, .....	Gourlay's.
Jerman, George W. ....	Washington, .....	Cambridge, .....	National and Columbian.
Julian, Joseph, .....	Chenango, .....	Greene, .....	National and Columbian.
Keith, Fleury, .....	Jefferson, .....	Smithville, .....	E. Lewis'.
Knight, Nathaniel, .....	Erie, .....	Collins Center, .....	Foot's, 128 State-street.
Lacey, Isaac, .....	Monroe, .....	South Chili, .....	Gourlay's.
Lawyer, Nicholas, .....	Herkimer, .....	Danube, .....	Crosby's, Maiden-lane.
Litchfield, Elisha, .....	Onondaga, .....	Delphi, .....	Rockwell's.
Livingston, Charles L. ....	New-York, .....	New-York, .....	Cruttenden's.
Love, Solomon, .....	Cayuga, .....	Summer Hill, .....	National and Columbian.
Ludlow, Jehiel, .....	Tompkins, .....	Ludlowville, .....	Mott's.
Manchester, Elias, .....	Cayuga, .....	Scipio, .....	Gourlay's.

Mapes, David P. ....	Delaware, .....	Halcottville, .....	Albany Coffee House.
M'Carthy, Dennis, .....	New-York, .....	New-York, .....	American Hotel.
M'Dowell, John G. ....	Tioga, .....	Chemung, .....	Rockwell's.
Morehouse, Eben B. ....	Otsego, .....	Cooperstown, .....	Mrs. Lockwood's.
Morgan, James, .....	New-York, .....	New-York, .....	Gourlay's.
Moulton, David, .....	Oneida, .....	Floyd, .....	Fort Orange Hotel.
Murphy, Thomas, .....	Westchester, .....	Bedford, .....	American Hotel.
Myers, Mordecai, .....	New-York, .....	New-York, .....	Eagle Tavern.
Norton, Henry, .....	Niagara, .....	Lockport, .....	Merchants' Hotel.
Ostrander, Gideon, .....	New-York, .....	New-York, .....	Miss Lewis'.
Otis, Oran G. ....	Saratoga, .....	Ballstown Spa, .....	American Hotel.
Ottley, Thomas, .....	Ontario, .....	Seneca Castle, .....	Merchants' Hotel.
Parker, Jared H. ....	Onondaga, .....	Onondaga, .....	Rockwell's.
Percival, James, .....	Livingston, .....	Geneseo, .....	National and Columbian.
Phillips, George S. ....	Suffolk, .....	Smithtown, .....	Merchants' Hotel.
Pike, Jarvis K. ....	Chenango, .....	Norwich, .....	Rockwell's.
Pine, Peter, .....	Delaware, .....	Tompkins, .....	Albany Coffee House.
Potter, Platt, .....	Montgomery, .....	Minaville, .....	Adelphi.
Price, Peter, .....	Monroe, .....	Rush, .....	Foot's 128 State-street.
Rawson, Samuel, .....	Ontario, .....	Victor, .....	Merchants' Hotel.
Reiner, Aaron, .....	Yates, .....	Benton, .....	Rockwell's.
Richardson, Charles, .....	Cortland, .....	Freetown Corner, .....	P. I. Lewis'.
Rob, William, .....	Montgomery, .....	West Amsterdam, .....	Albany Coffee House.
Robinson, Peter, .....	Broome, .....	Binghampton, .....	City Coffee House.
Saylor, John, .....	Tompkins, .....	Mecklenburgh, .....	Mott's.
Sayre, John, .....	Seneca, .....	Romulus, .....	Merchants' Hotel.
Schoonmaker, Jacob I. ....	Ulster, .....		
Selden, Dudley, .....	New-York, .....	New-York, .....	Cruttenden's.

Shepard, Riley, .....	Oneida, .....	Augusta, .....	Fort Orange Hotel.
Spencer, James B. ....	Franklin, .....	Fort Covington, .....	City Coffee House.
Spencer, John C. ....	Ontario, .....	Canandaigua, .....	Bement's Hotel.
Sprague, Asa, .....	St. Lawrence, .....	De Kalb, .....	City Coffee House.
Springer, Martin, .....	Rensselaer, .....	Renwick, .....	National and Columbian.
Stackhouse, Samuel, .....	Warren, .....	Sherman, .....	Rockwell's.
Stilwell, Silas M. ....	New-York, .....	New-York, .....	Cruttenden's.
Thorn, Henry, .....	Washington, .....	Fort Ann, .....	City Coffee House.
Tilford, George S. ....	Cayuga, .....	Sterling, .....	National and Columbian.
Townsend, John E. ....	Dutchess, .....	Leграge, .....	Fish's, South Pearl-street.
Townsend, William, ....	Washington, .....	West Hebron, .....	Columbian Hotel.
Tredwell, Thomas, .....	Queens, .....	Hempstead, .....	Archer's.
Trowbridge, John F. ....	Oneida, .....	Bridgewater, .....	American Hotel.
Turrell, Joel, .....	Oswego, .....	Oswego, .....	Adelphi Hotel.
Tyler, John H. ....	Orleans, .....	Yates, .....	Merchants' Hotel.
Van Buren, John, .....	Ulster, .....	Kingston, .....	Albany Coffee House.
Varian, Isaac L. ....	New-York, .....	New-York, .....	Miss Lewis'.
Vark, Aaron, .....	Westchester, .....	Yonkers, .....	National and Columbian.
Walker, John, .....	Clinton, .....	Rouse's Point, .....	Rockwell's.
Watson, Wheeler, .....	Albany, .....	Rensselaerville, .....	Albany Coffee House.
Weed, Joseph S. ....	Essex, .....	Ticonderoga, .....	Merchant's Hotel.
Wells, Ananias, .....	Wayne, .....	Maringo, .....	Foot's, 128 State-street.
White, Squire, .....	Chautauque, .....	Fredonia, .....	Rockwell's.
Whitman, John, .....	Madison, .....	Clodville, .....	Rockwell's.
Willcox, Ira, .....	Chenango, .....	Oxford, .....	National and Columbian.
Williams, David, .....	Tioga, .....	Berkshire, .....	Rockwell's.
Winne, Peter W. ....	Albany, .....	Albany City, .....	P. I. Lewis.
Woodruff, Benjamin, ....	Seneca, .....	Fayette, .....	Merchants's Hotel.

Woodworth, Charles, .....	Genesee, .....	Elba, .....	E. cor. N. Mark. & Colum.
Werthington, Aaron, .....	Rensselaer, .....	Petersburgh, .....	National and Columbian.
Yawger, Peter, .....	Cayuga, .....	Union Springs, .....	National and Columbian.

FRANCIS SEGER, Clerk, Gourlay's, 89 Washington-street.

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WILLIAM L. GOODRICH, do. Mrs. Rockwells.	LYMAN R. LYON, do. Gourlay's.

POMEROY JONES, Sergeant-at-Arms, Albany Coffee House.  
 ALONZO CROSBY, Door-keeper, 57 Maiden-lane.  
 OLIVER SCOVIL, Assistant do. 48 Washington-street.

# IN ASSEMBLY,

January 6, 1831.

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## ANNUAL REPORT

Of John Dobson, an Inspector of Leather for the  
county of Erie.

*To the Honorable the Legislature of the State of New-York, in  
Senate and Assembly convened.*

The undersigned, inspector of sole-leather for the county of Erie, begs leave, respectfully, to report to your honorable body, the following statement of his official duties during the year immediately preceding, and ending on the first day of January, 1831, as follows, viz:

		lbs. weight.
Of quality, best, number of sides, .....	546	7,695
“ good, “ .....	627	11,229
“ damaged, “ .....	37	656
Total,....	1,201	19,580

The amount of leather inspected is nothing like the amount which is manufactured in said county ; but the fact of my appointment being under the old statute, left it optional with the proprietors either to employ me or not, as they pleased. The probable increase will be at the same ratio it has been for two years past.

JOHN DOBSON.

*Buffalo, Dec. 31, 1830.*



# IN ASSEMBLY,

January 8, 1831.

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## Standing Committees of the Assembly.

JANUARY, 1831.

### *Committee on Ways and Means.*

Mr. Selden,  
Mr. Comstock,  
Mr. C. Griswold,

Mr. Walker,  
Mr. Willcox.

### *Committee on Grievances.*

Mr. Birdsall,  
Mr. J. Benton,  
Mr. Harris,

Mr. Conklin,  
Mr. Manchester.

### *Committee on Privileges and Elections.*

Mr. Van Buren,  
Mr. McCarthy,  
Mr. Hudson,

Mr. Boyd,  
Mr. Constant.

### *Committee on the Judiciary.*

Mr. Robinson,  
Mr. Crippen,  
Mr. Potter,

Mr. Gardner,  
Mr. P. C. Cook.

### *Committee on Expiring Laws.*

Mr. Thorn,  
Mr. Halsey,  
Mr. Earll,

Mr. Tredwell,  
Mr. Ellis.

### *Committee on Claims.*

Mr. J. C. Spencer,  
Mr. Bigelow,  
Mr. Cole,

Mr. Richardson,  
Mr. Sayler.



*Committee on Colleges, Academies and Common Schools.*

Mr. Morehouse,	Mr. Carroll,
Mr. Curtis,	Mr. Bettis.
Mr. Budd,	

*Committee on Engrossed Bills.*

Mr. Jermain,	Mr. Blodget,
Mr. Van Buren,	Mr. Andrews.
Mr. Phillips,	

*Committee on the Erection and Division of Towns and Counties.*

Mr. Remer,	Mr. Walker,
Mr. Hulse,	Mr. Knight.
Mr. Yawger,	

*Committee on the Incorporation of Cities and Villages.*

Mr. Ostrander,	Mr. Eldredge,
Mr. Mapes,	Mr. Ashley.
Mr. Lawyer,	

*Committee on Agriculture.*

Mr. Gilchrist,	Mr. Pike,
Mr. Pine,	Mr. Watson.
Mr. Howard,	

*Committee on the Incorporation of Religious and Charitable Societies.*

Mr. L. Benton,	Mr. J. E. Townsend,
Mr. Stackhouse,	Mr. Eckerson.
Mr. Brandow,	

*Committee on the Incorporation and Alteration of the Charters of Banking and Insurance Companies.*

Mr. Gansevoort,	Mr. L. Benton,
Mr. Livingston,	Mr. Crippen.
Mr. Gardner,	

*Committee on the Petitions of Aliens.*

Mr. Cargill,	Mr. Conklin,
Mr. Thorn,	Mr. Eddy.
Mr. Hager,	

*Committee on Canals and Internal Improvements.*

Mr. Edwards,	Mr. Litchfield,
Mr. Robinson,	Mr. J. B. Spencer.
Mr. Turrell,	

*Committee on Roads and Bridges, and the Incorporation of  
Turnpike Companies.*

Mr. Fowler,  
Mr. Juliand,  
Mr. Winne,

Mr. Keith,  
Mr. Tilford.

*Committee on State Prisons, and the Penitentiary System.*

Mr. Livingston,  
Mr. Downing,  
Mr. Vark,

Mr. Love,  
Mr. Dunlap.

*Committee on the Militia, and the Public Defence.*

Mr. Myers,  
Mr. Worthington,  
Mr. Weed,

Mr. Vark,  
Mr. Blake.

*Committee on Indian Affairs.*

Mr. Turrell,  
Mr. Parker,  
Mr. Shepard,

Mr. S. Griswold,  
Mr. Henry.

*Committee on the Manufacture of Salt.*

Mr. Gansevoort,  
Mr. Bogert,  
Mr. Litchfield,

Mr. Moulton,  
Mr. M'Dowell.

*Committee on Medical Societies and Colleges.*

Mr. Trowbridge,  
Mr. Harrison,  
Mr. Clark,

Mr. Hooker,  
Mr. White.

*Committee on Two-third Bills.*

Mr. Fillmore,  
Mr. Gilbert,  
Mr. Hoffman,

Mr. Hough,  
Mr. Lacey.

*Committee on Public Lands.*

Mr. Sprague,  
Mr. Whitman,  
Mr. Halsey,

Mr. Collier,  
Mr. Tyler.

*Committee on Trade and Manufactures.*

Mr. Bogert,  
Mr. Wells,  
Mr. Springer,

Mr. Murphy,  
Mr. Freeman.

## Select Committees on the Governor's Message.

### *On so much as relates to Imprisonment for Debt.*

Mr. Stilwell,	Mr. Edmonds,
Mr. Percival,	Mr. L. Benton,
Mr. Remer,	

### *On so much as relates to the Poor Laws and Insane Paupers.*

Mr. Potter,	Mr. W. Townsend,
Mr. Gansevoort,	Mr. Price.
Mr. Varian,	

### *On so much as relates to the Controversy between this State and the State of New-Jersey.*

Mr. M'Dowell,	Mr. Horsford,
Mr. Downing,	Mr. Woodruff.
Mr. A. Cook,	

### *On so much as relates to the Abduction of William Morgan.*

Mr. Otis,	Mr. Selden,
Mr. Jermain,	Mr. Sayre.
Mr. J. C. Spencer,	

### *On so much as relates to the Surviving Officers of the Revolution.*

Mr. Otis,	Mr. Gilbert,
Mr. Rob,	Mr. Woodworth.
Mr. Hubbard,	

### *On so much as relates to the House of Refuge and the Marine Hospital.*

Mr. Crippen,	Mr. Rawson,
Mr. Morgan,	Mr. Brown.
Mr. Jarvis,	

**No. 9.**

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**IN ASSEMBLY,**

**January 11, 1831.**

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**MESSAGE**

**From the Governor, transmitting the annual report of the Inspector-General of staves and heading for the city of New-York, with certain accompanying communications.**

**TO THE ASSEMBLY.**

**GENTLEMEN—**

Accompanying the return of the Inspector-General of staves and heading in the city of New-York, which I transmit herewith, are communications from him recommending certain modifications in the law, under which he acts. The matter is submitted to your consideration.

**E. T. THROOP.**

*Albany, January 10, 1831.*



## COMMUNICATION

Of the Inspector-General of staves and heading, for  
the city and county of New-York.

*To his Excellency the Governor of the State of New-York :*

SIR—

Enclosed with my annual report, your Excellency will find a recommendation to amend some of the sections of the law respecting the culling of staves and heading.

I would therefore, in the first place, wish to make known to your Excellency, that the number of cullers is greater than requisite, except on some occasions ; particularly in the *fall season*, when there is a press of business, and the masters of the river craft are detained much to their disadvantage and cost.

In the second place, the inspector-general, by appointing a deputy for the time being, has a better opportunity of judging if the person so appointed be a competent and proper one to fill any vacancy that may occur.

Respecting tierce staves ; these are coming into great demand as an article of export to France for the purpose of making half brandy pipes and claret casks ; and as there is no provision in the law relating to them, they have been shipped coastwise from this port, to be exported to foreign countries.

Large quantities of *barrel heading* have come down the river this season, which the buyers and sellers have left to my judgment, there being no law to regulate the same.

All of which I would respectfully submit to your Excellency.

F. PECKWELL.

## ANNUAL REPORT.

To his Excellency ENOS T. THROOP,  
Governor of the State of New-York.

Report of the Inspector-General of staves and heading in the city and county of New-York.

Amount of staves and heading culled in the city of New-York, from 1st January, 1830, to 1st January, 1831.

*New-York, January, 1831.*

	Pipes.	W. O. hhds.	Heading.	E. O. hhds.	Bble.
No. of staves and heading the produce of the state of New-York,	1,494,399	662,676	22,676	13,563	398,220
Do. from other states,	335,021	506,958	37,174	1,401,275	261,635
<b>Total,</b>	<b>1,829,420</b>	<b>1,169,634</b>	<b>59,850</b>	<b>1,414,838</b>	<b>659,855</b>

### REFUSE.

From the state of N. York,	221,922	151,582	27,960	\$7,364	71,591
From other states,	188,152	116,848	29,291	297,182	141,311
<b>Total,</b>	<b>410,074</b>	<b>268,430</b>	<b>57,251</b>	<b>\$34,546</b>	<b>212,902</b>

Total number of staves and heading 6,416,800, at 10 cents per thousand, is \$641.68.

FRANCIS PECKWELL.

## PROPOSED AMENDMENTS.

To His Excellency ENOS T. THROOP,  
*Governor of the State of New-York.*

The Inspector-General of staves and heading for the city and county of New-York, in conformity with the duties of his office, respectfully recommends, for the protection of the articles of commerce under his inspection, that the following clause be added to section 122, art. 7, Revised Laws: "No registered ship or vessel shall take on board any staves or heading which have not been culled according to law, or which have been culled out and condemned as not merchantable, on any pretence or for any purpose whatever."

He also, for the convenience and interest of merchants and others dealing in said articles, and in accordance with their recommendations, suggests that the following clause be annexed to 3d of section 123 of said article 7, after hogshead staves: "And all tierce staves shall be thirty-six inches long and three inches wide, clear of sap; and shall be at least three-fourths of an inch thick on the thin edge, and otherwise good and sufficient."

Likewise, that the following sentence be added to 4th of section 123, art. 7, after barrel staves: "Barrel heading shall be inspected as tierce price heading, and shall be at least eighteen inches long and six inches wide, clear of sap, and three-fourths of an inch thick."

Further, for the purpose of despatch, he respectfully recommends the following clause as an appendage to section 130 of said article 7: "The inspector-general shall have the power, in cases of emergency, of appointing one or more persons under oath, for the time being, to act as cullers of staves and heading, and to discharge them immediately on the cessation of said emergencies."

FRANCIS PECKWELL.

The undersigned, merchants and others, dealers in the articles of staves and heading, cordially and fully concur in the recommendations of the Inspector-General of said articles, and pray that the law may be altered accordingly.

Henry Stokes.  
A. P. M'Elwain.  
Tredwell & Thorne.  
B. Blossom & Williams.  
Henry W. Bool.  
H. Harbeck.

Asa Mann.  
Jeremiah Clark.  
William F. Baker.  
Henry Waring & Son.  
Maitland, Kennedy & Co.  
Tucker & Dauvies.





IN ASSEMBLY,

January 8, 1831.

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REPORT

Of the Select Committee on the petition of settlers on the school lot in the town of Augusta, Oneida county.

Mr. Moulton, from the select committee to whom was referred the petition of the settlers on the school lot in the town of Augusta, in the county of Oneida,

REPORTED—

That it appears from the petition and statements made before the committee, that the settlers upon this lot entered upon the same several years since, and purchased the improvements made upon the same, with the expectation that the amount to be paid the state for the title, would be the sum of five dollars per acre, which was the sum charged for lands of this description in that section of country. A law relative to this land was passed April 2, 1827; the last section of which provides for the conveyance of the same for a sum which, at six per cent, would produce the amount now annually paid by the settlers, which is thirty dollars upon the hundred. The petitioners suppose that it never was intended to raise the price of this land to six dollars per acre, as is done by this section, and the committee deem it just and reasonable that the settlers should be allowed to receive their deeds on their paying into the treasury a sum which, at six per cent, the interest they now pay, would realize the amount annually paid on said school lot. The committee are satisfied that five dollars per acre, in addition to the amount paid by the settlers for improvement, is as much as the land is worth. They therefore ask leave to introduce a bill.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the various methods and tools used to collect and analyze data. It mentions the use of surveys, interviews, and focus groups to gather information from stakeholders. Additionally, it discusses the application of statistical analysis to interpret the collected data.

3. The third part describes the process of identifying and addressing the needs and concerns of different groups within the organization. It highlights the importance of active listening and communication in this process.

4. The fourth part focuses on the development and implementation of strategies to improve organizational performance. It mentions the use of SMART (Specific, Measurable, Achievable, Relevant, Time-bound) goals to guide these efforts.

5. The fifth part discusses the role of leadership in driving organizational change and innovation. It emphasizes the need for leaders to provide vision, inspiration, and support to their teams.

6. The sixth part addresses the importance of continuous learning and development for all employees. It mentions the use of training programs, workshops, and conferences to enhance skills and knowledge.

7. The seventh part discusses the role of technology in modern organizations. It mentions the use of digital tools and platforms to streamline processes and improve efficiency.

8. The eighth part discusses the importance of maintaining a positive organizational culture. It mentions the role of values, norms, and behaviors in shaping the culture.

9. The ninth part discusses the importance of effective communication within the organization. It mentions the use of various communication channels and methods to ensure that information is shared effectively.

10. The tenth part discusses the importance of monitoring and evaluating the organization's performance over time. It mentions the use of key performance indicators (KPIs) and regular reviews to track progress.

11. The eleventh part discusses the importance of building strong relationships with external stakeholders. It mentions the role of networking and collaboration in achieving organizational goals.

12. The twelfth part discusses the importance of ethical considerations in organizational decision-making. It mentions the need to adhere to legal and moral standards.

13. The thirteenth part discusses the importance of sustainability in organizational operations. It mentions the need to consider environmental, social, and economic factors.

14. The fourteenth part discusses the importance of innovation in staying competitive in the market. It mentions the need to embrace new ideas and technologies.

15. The fifteenth part discusses the importance of resilience in the face of challenges and uncertainties. It mentions the need to develop contingency plans and maintain a positive mindset.

**IN ASSEMBLY,**

**January 13, 1831.**

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**REPORT**

**Of the Commissioners of the Land-Office, on the petition of David Kendall and others, settlers on the school lot, New-Stockbridge.**

The Commissioners of the Land-Office, to whom was referred the petition of David Kendall and others,

**RESPECTFULLY REPORT :**

That the petitioners set forth that they are the present occupants and sub-lessees of a tract of land of one thousand acres, in New-Stockbridge, called the school lot ; that they purchased their several parts of the said lot, under the belief that they could obtain title to the land from the state, by paying into the treasury the money therefor, at the rate of five dollars per acre ; that by an act of the Legislature, passed on the 2d of April, 1827, they are required, in order to obtain title to the lands, to pay into the treasury such a sum as, at an interest of five per centum per annum, will produce the amount of the rent with which their lands respectively are charged ; and that this act, in effect, compels them to pay six dollars per acre.

The facts in relation to this tract of land are—that in the year 1804, it was directed to be leased upon perpetual leases, reserving an annual rent of thirty bushels of wheat upon each one hundred acres of the land, and appropriating the rents to the payment of the wages of a school teacher for the Stockbridge Indians. In 1805, the price of the wheat to be paid as rent, was fixed by law at

one dollar per bushel, thus making the rent thirty dollars upon each one hundred acres of the land.

The petitioners seem to suppose that this rent was fixed with reference to the value of the lands in their then state, and to the interest which the sum they were worth would have produced, if invested at six per cent. They probably infer this from the fact that six per cent was then and ever has remained, by law, the rate of interest charged by the state upon the purchase money due on the sale of unappropriated lands.

The Commissioners, however, have not been able to find that any appraisement of these lands was made previous to the act directing the leases, nor are they able at all to say upon what principle the rent was fixed. They however see no reason, from any thing they can find in the laws upon the subject, or upon the journals of the Legislature at the time these early laws were passed, which authorises them to say that the state then even designed to part with the title to the lands, or to change the tenure by which the lessees held.

In the Revised Laws of 1813, vol. 2, page 172, will be found a direction, "that the Treasurer shall annually pay, on the warrant of the Comptroller, the rents reserved in the leases for lands granted to John Gregg senior, John Gregg junior, and to James Alexander," (being the original leases for this one thousand acres of land,) "situated in New-Stockbridge, although such rents may not have been received into the treasury." This would seem to indicate that the Legislature did not contemplate any change, and certainly none which could affect the amount of the rents; for it should be constantly borne in mind, that the state has at no period possessed the least interest in this land or these leases, other than as it took upon itself, to this extent, the guardianship of these Indians and of their interests. The leases were made upon the petition of the Indians themselves, and in conformity with their wishes; and the state became responsible to them for the amount of the rent, and held and still holds the leases as its indemnity.

The Commissioners do not find any legislation upon this subject, subsequent to the act last referred to, until the year 1819. On the 26th of March of that year an act was passed, upon the application of Philip Pond and others, directing the sale by the Surveyor-General, in the ordinary mode of selling public lands, to the said

Pond, and all others legally interested in this land, of their respective parts thereof, upon their paying into the treasury a sum of money, the interest of which, at six per cent per annum, should be equal to the annual rent with which the land was charged, and upon their making a surrender of all the original leases for the whole tract.

This act would seem to have contained the precise provision for which these petitioners now ask. Why it was not complied with the Commissioners do not know, any farther than that they find, by a report made by the Surveyor-General to the Senate in 1824, that in a petition to that body, signed by David Frost and others, it was stated that the surrender of all the original leases could not be made, and that that fact was alleged as the ground of the failure by the occupants of this land, to avail themselves of the provisions of the the act of 1819.

The next legislation upon the subject is the act of 1827, complained of in the petition. That act authorises the sub-lessees of this land to pay the rents due and to become due upon their respective shares of the whole lot, and to obtain credits to themselves, and upon their respective parcels of land, for all payments then previously made by each of them, according to certain terms and conditions specified in the first section of the act. The persons claiming to be the sub-lessees and occupants of that part of the one thousand acres leased by John Gregg, junior, have availed themselves of these provisions, and have obtained separate accounts to be opened upon the books of the Comptroller's office, in the name of each, for his share of the land, and of the rent.

The parts leased by John Gregg, senior, and by James Alexander, remain under the original leases, so far as the accounts for the rent are concerned, and in relation to those parts nothing has been done under this act.

The second section of this act contains the provision of which the petitioners complain, to wit: That in order to obtain title to their respective portions of the land, they are required to pay into the treasury a sum of money, the interest upon which at five per cent, (and not at six per cent) shall be equal to the rent charged upon their respective parts of the lot.

The question appears to the Commissioners to be purely one of bargain between the petitioners and the state, and to be entirely open and unrestricted by any proceedings heretofore had, unless the Legislature shall consider the act of 1819 as fixing the rate at which the reversion held by the state in this land should be sold. There can be no doubt that the state is bound to pay to the Indians the three hundred dollars, being the amount of these rents, annually forever. It holds these leases as the equivalent for these payments, and it is not questioned that the lands are perfect security for the rents. The only point to be decided therefore is, will the state sell its reversion at all, and take the risk of re-investment for the purpose of establishing some other fund which by its regular income will reimburse the treasury for these payments to the Indians? If so, upon what terms will the Legislature consent to make that sale?

In 1819 it was agreed to be made upon the payment of a sum which, invested at 6 per cent, would meet the payment or equal the rent. This act required that all the leases should be surrendered, and the whole money paid as one transaction. With the terms of this law the lessees did not, or could not, comply. In 1827 another act was passed, agreeing to receive a sum which, invested at five per cent, should indemnify the treasury, and allowing this payment by any person interested and upon any part. No one has expressed a wish to avail himself of this provision of this act. The act of 1819 must be repealed by the act of 1827, though that repeal is not expressed in words, and the substance of the present petition is, in effect, to have that act revived, and so extended, that any one of the persons interested may avail himself of its provisions separate from the others.

The petitioners, no doubt, suppose they are injured by the law of 1827—as they have habituated themselves to suppose that their rent was to be considered as the interest at six per cent, upon the purchase money of their lands. They have probably so valued the incumbrance upon their titles, and the present holders may have purchased with these views. But the Commissioners know of no act of the Legislature, or of any agents of the state, to authorise these conclusions, unless the established rate of interest upon the sale of state lands, or the act of 1819 above referred to, has done it; and it surely is for the Legislature to determine how far either of these considerations, or the self-created deception of these lessees,

afford the ground of an equitable claim to the relief they ask ; as it is also exclusively the province of the Legislature to say upon what terms the state shall receive the money for their reversionary right in these lands.

The Commissioners have considered it their duty, in as much as this subject is before the Legislature, to present them with a statement of these accounts, of the names of the occupants of this land, so far as they appear upon the Comptroller's books, of the quantity of land held by each, of the annual rent chargeable to each, and of the rent in arrear upon each account.

The statement annexed will show these facts ; and it is respectfully suggested that, in any legislation which may be had upon the subject, provision should be made for the payment of all rent in arrear upon any piece of the land, before the title to such piece should pass from the hands of the state.

As it has been formerly alleged by the occupants and sub-lessees of this land, that all the original leases could not be surrendered, it may be well for the Commissioners further to suggest, that under a general act directing them to patent these lands, they should not feel themselves authorised to issue patents for any part, until the original lease for such part was surrendered to them, or until its loss or destruction was conclusively proved. It may, therefore, be necessary for the Legislature to give to the Commissioners special directions upon this point, should they, by any act they may pass, order these lands to be conveyed ; as, without the power to produce and surrender the original leases, the petitioners might not otherwise be able to avail themselves of the relief intended.

SILAS WRIGHT, JR. *Comptroller*,  
A. C. FLAGG, *Secretary*,  
SIMEON DE WITT, *Surveyor-Gen.*

*Dated Albany, 13th January, 1831.*



# **SCHEDULE OF LANDS, AMOUNT DUE, &c.**

LESSEES.	Quantity land. Acres.	Annual rent.	Ar. rent to 1 Feb 1831.
James Alexander, sub's. 1 & 2,.....	158.28 160	\$27 22	\$62 06
John Gregg, Sen. sub's. 3 to 9,.....	300.00	90 00	806 19
John Gregg, Jun. underlet to William Farrington,.....sub. 10	77.29	22 97	46 78
David Frost,.....11	71.20	21 16	21 16
Zaccheus Barber,.....12	99.80	29 66	42 88
Robert Durkee,.....13	99.80	29 66	56 76
Gregg, Hodge & Brunson,.....14	49.90	14 83	69 56
M. Dudley, now P. Freeman,...15	24.92	7 41½	22 25
N. Brown,.....16	24.92	7 41½	7 24
Nicholas Cummings,.....17	99.90	29 69	58 40

IN ASSEMBLY,

January 14, 1831.

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MEMORIAL

Of the Citizens of the Village of Ogdensburgh, St. Lawrence county, praying for an act to regulate Sales at Auction of Merchandize in said county.

*To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.*

Your memorialists, citizens of the village of Ogdensburgh, would respectfully represent—That public sentiment, in relation to our auction system, has been so generally expressed as to render it unnecessary to detail its demoralizing effects, to satisfy an intelligent community that its restriction within narrower bounds is indispensable to the maintenance of sound morals and the existence of either useful or honorable mercantile dealing.

Were the evils confined to our large cities, or to the wholesale trade, less general would be the cause of complaint; but the same pernicious influence, so loudly deprecated on our sea-board, extends throughout the interior, and pervades every considerable village.—Almost every week in the year brings along one or more of itinerant persons, with a stock of goods of a very inferior quality, bought up at the petty auctions in the large cities. These goods are frequently put up in a room adjoining some grocery, and sold, day after day, and night after night, at auction, to purchasers who are unacquainted with, and have no opportunity of examining the quality, very much to the detriment of such purchasers, and especially so to the poorer class of community, injurious to the settled and established merchant, and in the wide field of retailing, extensively affects every class of our citizens, debases their sense of honorable traffic, and, as a necessary consequence of idle and promiscuous as-

semblages, induces the neglect of appropriate callings and promotes intemperance and vice.

Your memorialists are aware that the revenue yielded by the franchise is an important item in the finances of the state, judiciously appropriated to its internal improvement; yet, at the same time, they, in common with all who are conversant with the subject, are constrained to acknowledge that these benefits are far less than the evils resulting from the system, particularly to the inhabitants of country villages.

Believing that the extent of this evil is to be measured by the extent of country over which the system prevails, and the amount of population thus pervaded, rather than by the aggregate of sales under it in a given place, and believing that the only consideration to the state for the license to generate such evil, is derived from the impost per centum upon such aggregate, your memorialists would respectfully suggest the expediency of confining such license to those places which do thus, in the form of revenue, furnish the only consideration for the grant, and thereby remove the evils attendant upon the system of which your memorialists humbly complain.

Your memorialists, therefore, respectfully ask of your honorable body, to enact a law prohibiting auction sales in the county of St. Lawrence, in all cases other than those specified in the fourth and fifth sections of the first title of the seventeenth chapter of the first part of the Revised Laws.

Or prohibiting the sale at auction, of any article below the value of three dollars.

Or prohibiting sales at auction on more than one day in each week.

**IN ASSEMBLY,**

**January 12, 1831.**

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**REPORT**

**Of the Committee on Claims, on the petition of  
Abel Guthrie.**

Mr. J. C. Spencer, from the committee on claims, to whom was referred the petition of Abel Guthrie, in behalf of himself and other heirs of Christian Guthrie,

**REPORTED—**

By an act of the Legislature, passed in 1829, the commissioners of the land-office are directed to cause letters patent to be issued to the heirs of Christian Guthrie for two hundred acres of land in Sterling, upon the said heirs releasing to the State all their claim to lot number ninety, in Milton. The petitioner not having complied with the condition, the two hundred acres have not been granted. He says he has releases from two of his brothers, but it would seem that he had sisters, who have left issue, but as he has not heard of them for twenty years, he presumes they are dead. It would seem that the commissioners of the land-office were not satisfied with the proof he offered respecting the heirs of Christian Guthrie, and delined issuing the letters patent. The petitioner prays some relief, and has intimated to the committee his willingness to take other land in Sterling in trust for the heirs of Christian Guthrie.

The act of 1829, very cautiously directs the letters patent to be issued to the *heirs* of Christian Guthrie, without naming them. And it would seem to have been intended to throw on the petitioner the burthen of showing who were such heirs, as well as procuring re-

leases from them. From an examination of the reports of former committees on this subject, the present committee think they discover good reason for this caution, and their opinion is confirmed by the statements of the present petitioner, that the issue of two of the petitioner's sisters are not accounted for. No evidence whatever has been adduced to them to establish who are the right heirs of Christian Guthrie.

They see no propriety in granting land to the petitioner in trust for those heirs, in preference to any other person ; but on the contrary, are well satisfied with the provision of the act of 1829, as they are calculated to cause the heirs, whoever they may be, to become acquainted with the grant to them.

With these views, the committee would recommend at once that the prayer of the petitioner be denied, with a view of leaving the heirs to avail themselves of the act of 1829. But by a provision of law, (1 Rev. Stat. 205, §45,) the commissioners of the land-office have no authority to execute the act, after twelve months from the time of the passage.

They think it but reasonable to extend the time to enable the heirs of Guthrie to avail themselves of the act of 1829. And as it is understood that there is yet land in Sterling to satisfy the grant, they have agreed upon a bill to attain that object, which they have directed their chairman to ask leave to introduce.

**IN ASSEMBLY,**

**January 12, 1831.**

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**REPORT**

**Of the Committee on Claims, on the petition of  
Gideon Castle.**

**Mr. J. C. Spencer, from the committee on claims, to whom was  
referred the petition of Gideon Castle,**

**REPORTED—**

The facts of this case are so minutely detailed in a report of the Attorney-General to the house of Assembly, made March 3, 1830, which will be found among the legislative documents of the last session, No. 233, and also in a report of the committee on public lands, made at the last session, (No. 348 of the documents,) that the committee conceive it necessary only to notice the leading and prominent features of the case.

In 1819, proceedings by ejectment in behalf of the State, were instituted to recover lot 97 in Camillus, on the ground that it had escheated by the death of Robert Gipson, the patentee, without heirs. The petitioner applied to the then Attorney-General, Mr. Oakley, to stay proceedings as to 56 acres of the lot which the petitioner claimed to belong to him by virtue of a conveyance from Orremel Gipson, the nephew and heir of Robert Gipson. The petitioner declares that an arrangement was made with Mr. Oakley, by which it was agreed that depositions should be taken to establish the fact of Orremel Gipson's heirship. That such depositions were taken and submitted to the Attorney-General, who assured the petitioner that he would abandon all proceedings in relation to the fifty-six acres. This statement of the petitioner is corroborated and proved by the

affidavit of James Winder, who says he was present when the engagement not to proceed was made.

It is further corroborated by the testimony of the officer who took the depositions, who says he did so under the direction of Mr. Oakley, and by other strong facts in the case. Mr. Oakley's recollection is very indistinct, and his statement does not, in the opinion of the committee, invalidate that of the petitioner.

Judgments were however obtained by the confession of the tenants who hold leases under the petitioner, but as he says, without his knowledge. These judgments were obtained in May 1820, and in the month of November in that year, the lots were reported to the commissioners of the land-office. It is a remarkable fact that from this time to July 1828, no steps were taken on the part of the State, either to sell the land or to obtain the possession of it, but the tenants were suffered to remain undisturbed. Of course the petitioner rested easy, until in 1828 he accidentally saw an advertisement of the sale of the land in question by the Surveyor-General. He alleges that he attended the sale and solicited and remonstrated with the Surveyor-General, who told him that his only relief was to be had by the interposition of the Legislature. The petitioner supposed he had done all that he could or ought to do, and in 1829 prepared his papers for an application to the Legislature. His advanced age (being now 87 years old,) and his narrow pecuniary means, prevented him from making an earlier application. In 1830 his petition was presented to the Assembly, and referred to the committee on public lands, a majority of whom reported a bill directing the payment of \$800 to him. From the lateness of the session this bill was not acted on in the House, and the petition is now renewed.

From this outline of the leading facts, it is obvious that the petitioner has not been guilty of any neglect in asserting his claim in due time. And the committee think there can be no doubt entertained that the petitioner has acted under a full and honest belief that the proceedings to recover the land in question would be discontinued.

Whether this belief was founded on sufficient evidence, or whether it was from misapprehension, cannot be material; the result to the petitioner has been, that he has been deprived of the opportunity of establishing his title to the land. It appears to the committee that the most obvious dictates of justice require that the petitioner should be at least reinstated in the situation in which he was at the

time of the arrangement made with the Attorney-General. The committee however do not think there is sufficient evidence before them of the petitioner's right to the land, to justify their reporting a bill for the immediate payment to him of the money received by the State. They are of opinion that the right should be tried and determined either by a course of law, when an opportunity will be given to the officers of the State to contest the claim, or by some tribunal better adapted to the purpose of ascertaining the facts, than any committee of the House can be. They purpose therefore to allow the petitioner to apply to the commissioners of the land-office, and make proof of his title, and if they are satisfied on that point, to authorise them to direct the payment to him of \$800, with interest from the time the money was received by the State; or if the petitioner shall within six weeks, elect by a written notice to be served on the Attorney-General, to have his title tried in a court of law, that the Attorney-General shall make up an issue for that purpose, and upon the judgment of the supreme court therein being rendered in favor of the petitioner, that he shall be paid \$800, with interest, as before mentioned, together with his costs.

In conformity with these views, the committee have prepared a bill, which is herewith reported.





No. 15.

**IN ASSEMBLY,**

**January 15, 1831.**

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**ANNUAL REPORT**

**Of the Superintendent of Common Schools.**

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }  
*Albany, January 15, 1831.*

To GEORGE R. DAVIS,

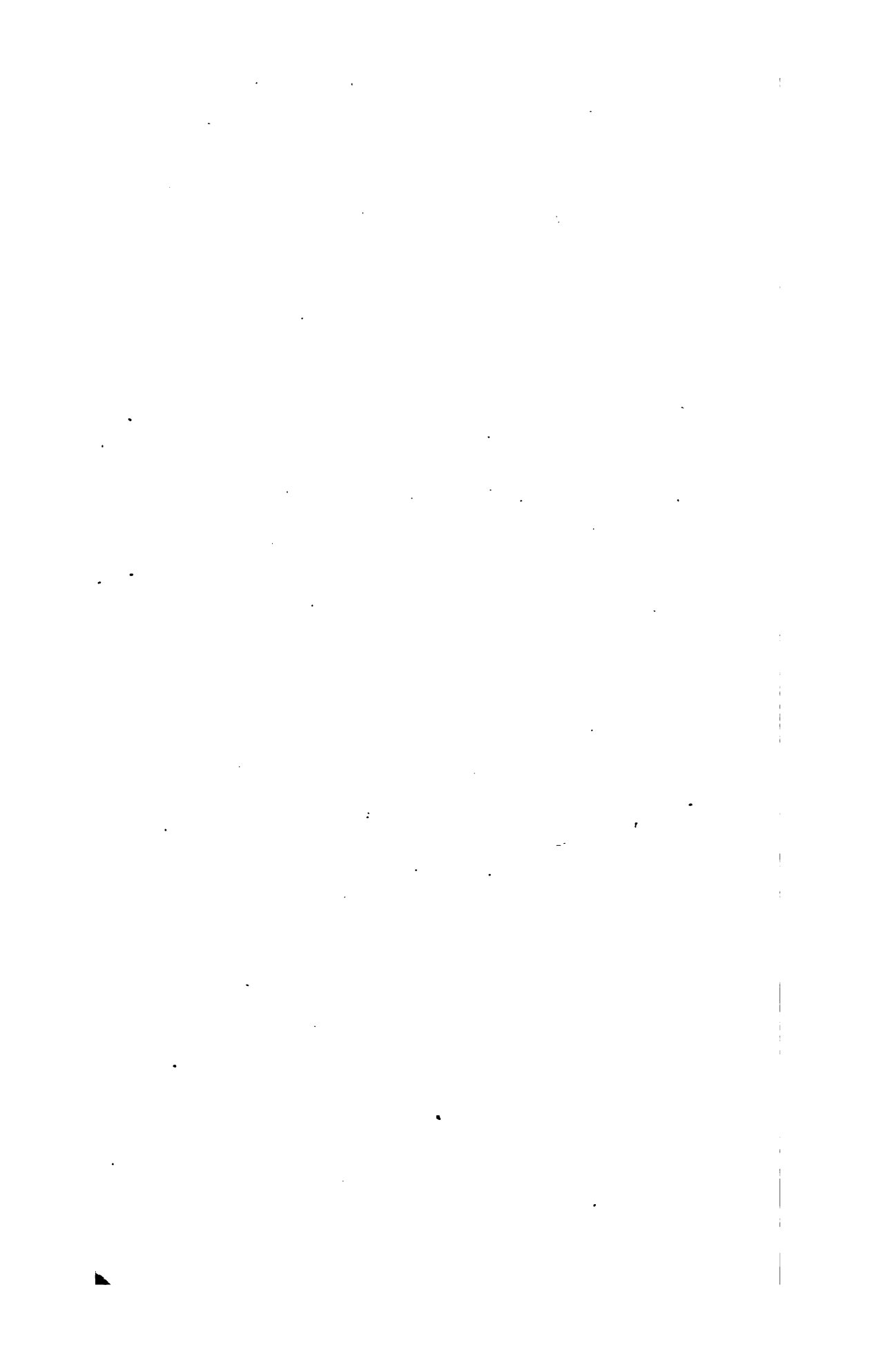
*Speaker of the Assembly.*

Sir—Herewith is presented the annual report of the Superintendent of common schools.

I am, with great respect,

Your obedient servant,

A. C. FLAGG.



# REPORT, &c.

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STATE OF NEW-YORK—SECRETARY'S OFFICE,  
*Albany, January 15, 1831.*

The Secretary of State respectfully submits to the Legislature the report required of him as Superintendent of common schools.

The statute makes it the duty of the Superintendent to present to the Legislature an annual report, containing,

"1. A statement of the condition of the common schools of the State :

"2. Estimates and accounts of expenditures of the school monies.

"3. Plans for the improvement and management of the common school fund, and for the better organization of the common schools ; and,

"4. All such matters relating to his office, and to the common schools, as he shall deem expedient to communicate."

## *1. As to the Condition of the Common Schools.*

There are fifty-five organized counties, and seven hundred and eighty-five towns and wards, in the State. Returns have been received from all the county clerks, containing certified copies of the reports of the commissioners of common schools from every town in the State.

An abstract of the returns from the several towns, marked A, is appended to this report.

A general summary of this abstract, showing the results in the several counties, is given in the paper marked B.

From these abstracts it will appear that there are in the State, 9,062 school districts, and that of this number, 8,630 have complied with the conditions of the statute, by having schools kept by an inspected teacher, and making returns to the commissioners of common schools.

One hundred and ninety new districts have been formed during the year ending on the first of January, 1830; and the number of

districts which have complied with the statute, so as to participate in the public money, has increased 338 in the same time.

There are, in the districts from which reports have been received, 497,503 children over 5 and under 16 years of age; and in the common schools of the same districts, 499,424 scholars have been taught during the year preceding the first of January, 1830; the general average of instruction having been about eight months.

The number of children over 5 and under 16, excluding New-York and Albany from the estimate, has increased 24,194, since the last annual report; and the number of children taught in the common schools of the State, has increased 19,383 in the same time.\*

There are seven counties in the state, namely—Oneida, Onondaga, Otsego, Jefferson, Cayuga, Genesee and Monroe, in each of which more than fifteen thousand scholars are reported as having been instructed during the year. The first of these counties, Oneida, has returned 20,265 between 5 and 16, and 19,731 children taught. Including the foregoing, there are twenty-four counties in the state, in each of which more than ten thousand children have been taught during the year embraced in the returns.

There are one hundred and fifteen towns, in each of which more than one thousand scholars are instructed; several towns report more than fifteen hundred, and a few large towns make returns of more than two thousand scholars taught annually.

There are eighty towns in which twenty or more school districts are organized in each; several of the towns have more than thirty districts. The general average of the number of districts including all the towns, is  $11\frac{1}{2}$  for each town in the state. The average number of scholars instructed in the districts from which returns have been received, is a fraction more than fifty-seven for each school.—This estimate, as well as that relating to the number of children instructed, is based upon the whole number of scholars on the rolls of the schools, without reference to the time which each scholar has attended; and it is not to be understood that each one of the 499,424 scholars returned, has had 8 months of instruction during the

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\* The census of children residing in the districts, includes all of the age of 16, instead of 15, as heretofore: in consequence of this, the census of the children more nearly equals the whole number taught than in former years. Excluding the cities of New-York and Albany entirely from the estimate, and it leaves 492,451 children between 5 and 16, and 491,806 children taught; showing an excess of the children between 5 and 16 over those taught, of 1,063.

year; but that this is the aggregate number of scholars on the rolls of the schools, and receiving more or less instruction, and that 8,630 schools have been kept open for the reception of scholars an average period of 8 out of the 12 months.

The first returns under the present school system were made in 1816. There were reported in that year 2,631 schools, in which 140,106 children were instructed. The increase of the number of schools returned has been 5,999 in fifteen years, and the increase of the number of scholars instructed, has been 359,318 in the same period. The number of children returned in 1816, between 5 and 15, was 176,449; the increase since that time has been 321,054.—The school act was revised, and new forms were adopted, in 1819: so that in 1821 the system was in fair operation; and since that period the average annual increase of the children between 5 and 15 has been about 17,300: and the average increase of the number of scholars instructed has been about 20,000 each year, for the last eleven years. The paper marked C, exhibits a comparative view of the returns from 1816 to the present time.

## II. *Estimates and Expenditures of the School Monies.*

During the year preceding the first of July, 1830, the public money received by the commissioners of the towns, and apportioned to the districts which had made returns, amounted to \$238,651.36 cents: of this sum \$100,000 were paid from the state treasury; \$124,556.04 cents were raised by tax upon the several towns, and \$14,095.32 cents were derived from local funds possessed by certain towns.

The boards of supervisors are required to assess upon each town a sum equal to the amount apportioned to the town from the state treasury, as its share of the public money; and this assessment is made without a vote of the town. In addition to this, the inhabitants have authority to vote a tax upon the town, equal to the amount apportioned from the school fund of the state. In the towns where such a resolution is passed, the board of supervisors are authorised and required to assess upon that town double the amount of the apportionment from the state treasury; which sum, when collected, goes into the hands of the school commissioners, and together with the money received from the state treasury, constitutes the public school money for that town.

The public money paid to the common schools during the past year exceeds, by \$23,811.22 cents, the amount paid the preceding

year. Of this increase fourteen thousand dollars were raised by tax in New-York, in pursuance of an act passed in 1829, requiring the corporation to collect a sum equal to one-eightieth of one per cent of the value of the real and personal property in the city, to be applied exclusively to the purposes of common schools. The towns have raised about 6,000 dollars by vote, in addition to the sum required to entitle them to the school money paid from the treasury. The amount returned, as having been paid in the districts for teachers' wages, over and above the public money, exceeds by \$49,758.76 cents, the sum paid for the same object the previous year. About the same number of towns omitted to make returns in each year.

The productive capital of the school fund has been increased \$20,000 during the past year, by sales of lands belonging to the fund.

There is now in the treasury, belonging to the capital of the common school fund, \$83,463.85 cents, which by the present statute is to be invested in any of the stocks of the state, at the market price of the same.

The productive capital of the school fund now amounts to \$1,696,743.66 cents. The revenue actually received into the treasury on account of this fund, for the past year, has been \$100,678.60 cents. This is the first year in which the revenue of the fund has produced the sum required for the annual distribution. The receipts of the coming year, are estimated by the Comptroller at \$101,350.—The statement marked D, contains the items of which the school fund consists, and the estimate of revenue upon each item.

The constitution which was adopted in 1821 contains the following provision :—"The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public uses, or ceded to the United States, which shall hereafter be sold or disposed of, together with the fund denominated the common school fund, shall be and remain a perpetual fund, the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state." The construction given to this provision in the constitution by the Commissioners of the Land-Office is, that it embraces all lands which were unappropriated at the time the constitution took effect. It will be seen by a report made to the Senate in 1829, by the Commissioners of the Land-Office (Senate Journals of 1829, appendix F.) that the school fund

lands amounted to 869,178 acres. More than 850,000 acres out of the 869,000, lie in the fourth Senate district, and in the great wilderness which is surrounded by the settlements in Montgomery, Warren, Essex, Clinton, Franklin, St. Lawrence and Herkimer counties. The increase of the productive capital of the fund, from the sales of these lands, will not be as great in amount, or as rapid, as seems to be demanded by the great increase of the children who are in need of common school instruction.

There is a local school fund derived from lots reserved by the state for gospel and school purposes in several of the towns in the counties of Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Seneca, St. Lawrence and Tompkins. Ninety-six towns are reported as having participated in this or other local funds, the total amount of which, for the past year, was \$14,095.32 cents. The funds derived from the gospel and school lots are safely vested, and the interest only is apportioned annually to the common schools. Some of the towns receive an annual interest from this source, of \$500, and others as high as \$1,000. The paper marked E, shows the towns which have shared in the benefits of these reserved lots.

### III. *The Management of the Common School Fund.*

The productive capital of the common school fund consists of 407,000 dollars of five per cent canal stock ; of bonds and mortgages for lands sold, 242,613 dollars, bearing an interest of six per cent : of the loans of 1786, 1792 and 1808, amounting in all to 703,692 dollars, at an average interest of about six per cent : of bank stock 230,000 dollars, on which the dividends have heretofore been six per cent : loans from the capital to the counties of Broome, Clinton, Erie, Chautauque and Cattaraugus, 18,800 dollars, at an interest of six per cent. These sums are safely and profitably invested, and with the exception of the interest on the individual bonds for school fund lands sold, the revenues arising upon these items may be counted upon with reasonable certainty.

Applications have heretofore been made, and others will probably be presented at the present session, for the loan of portions of the school fund to various counties. Such loans, at six per cent, are at least as profitable and as safe as any investments which can be made at this time ; provided, the county be held responsible for the payment of the interest annually, and for making up all losses in the principal.



The loans of 1786 and 1792 were made on the responsibility of the counties, and the loan-officers are appointed by the boards of supervisors of the several counties. For the loan of 1808 the counties are not responsible for deficiencies, and the commissioners of this loan are appointed by the Governor and Senate.

In the revision of the statutes on the subject of these loans, the "Loan-Officers", who have charge of the loans of 1786 and 1792, are so blended with the "Commissioners of Loans", who have charge of the loans of 1808, as to raise a question whether the losses upon the loans of 1786 and 1792 shall be borne by the counties or by the school fund. The law in relation to the loan of 1792 provides, that "if any deficiency has happened, by borrowers not having right to the lands mortgaged, or by the selling thereof at a less price than what is before mentioned, or otherwise—then the said supervisors, or a majority of them, with the concurrence of one or more of the county judges, shall cause all such deficiencies to be assessed and levied in the county, as other county charges, so that the whole of such deficiencies be paid to the said loan-officers by the first Tuesday of May then next following." Under this provision several of the counties have been heavily taxed to make up for deficiencies in the fund. The county of Dutchess in one case paid 7,000 dollars; and the great security of these loans was the liability to which the counties were subjected; and it never could have been the intention of the Legislature to surrender this security in regard to them.

It will be in vain that the constitution has thrown its protection around the school fund, and has declared that it "shall be and remain a perpetual fund," if the security on which it rests is to be given up in regard to investments which remain unchanged.

It is a matter of justice to the school fund that sec. 46, page 374 of the 1st Revised Statutes, should be so modified as to remove any question about the liability of the counties to make good all deficiencies in the loans of 1786 and 1792; or in other words, to allow the security in regard to all the loans to remain upon the same footing as heretofore.

The school fund has 180,000 dollars in the stock of the Merchants' Bank in the city of New-York. The charter of that bank expires in 1832, and an application has already been made for its renewal. If, from any cause, the charter should not be renewed, it

is obvious that some embarrassment may be experienced in regard to the annual revenue arising from that item of the fund ; and it would also be necessary to provide for the re-investment of the avails of the stock.

The attention of the Legislature is respectfully called to the suggestion in the last annual report, in regard to authorising the Commissioners of the Canal Fund, whenever loans are to be made, to issue five per cent stock at par, to take up the amount of the school fund capital in the treasury at the time of issuing the stock. A law of this character was passed in 1829, (chap. 325) in relation to the stock of the Cayuga and Seneca canal. A similar law is recommended in relation to the stock to be issued for the canals now making. There is 150,000 dollars of stock yet to be issued for the Chemung canal, and the Commissioners of the Canal Fund might be authorised to use the 83,000 dollars of school fund money now in the treasury, and issue five per cent stock at par for the use of the school fund.

If this deprives the local fund of the benefit which might be obtained by a sale of the stock in market, yet as the premium is paid upon the credit of the state, and as every section will have to contribute to sustain this credit, it is entirely just that this premium should be shared by the whole state ; which will be the case if it is yielded to the common schools.

#### IV. *The organization of the Common Schools.*

The best proof of the excellence of the organization of our common school system, is found in the fact, that the trustees of 8,630 districts have made reports to the Commissioners of Common Schools ; showing that in each of those districts a school has been taught for at least three months during the year, by a teacher to whose qualifications the Inspectors have certified ; and furnishing also a census of the number as well of resident children, as of those instructed ; and rendering an account for the public money received by their district the preboding year. That abstracts of these reports of the trustees, have been made out and transmitted to the county clerks, by the Commissioners of 785 towns and wards ; and that copies of these reports of the Commissioners of Schools, under the certificate and seal of the county clerks, have been transmitted to the Superintendent, embracing returns from every town and ward in the state. The school money arising from

the state fund, is paid by the Comptroller, on or after the first of February, to the treasurers of 55 counties, and by these officers is distributed to the commissioners of 785 towns and wards, according to the apportionment furnished to the treasurer by the Superintendent; and by the town commissioners the money is apportioned according to the children over 5 and under 16, and paid to the trustees of 8,630 school districts; and by the latter officers is paid to the teachers in the several district schools. There are more than fifty thousand officers of common schools, and a defalcation, or any misapplication of the school money, by any of the numerous officers through whose hands it passes, is of rare occurrence. In the returns of the present year, two instances only are reported in the whole state.

These are results highly creditable to the fidelity of the officers of common schools; and they give evidence of a zeal in the cause of common school education, and an attention to this vital interest, which must command the approbation, and encourage the hopes, of every friend of our free institutions.

If there is reason to regret that the standard of education, in the schools generally, is much below what it ought to be; still there is good reason to rejoice, that such great results have crowned the efforts of a few years.

It is gratifying to witness the increased attention which men of intelligence are bestowing upon the subject of common school education in all parts of the state. These efforts, aided by the public press, will invigorate the system, and give a new character to the schools.

A committee of the citizens of Rochester presented a memorial to the last legislature, which evinced much research and attention to the subject of common school instruction; and proposed a plan for a state seminary for the education of teachers, and a town central school, in order to extend the system to each town in the state. This document is numbered 367, of the last session.

The establishment of a seminary for the special education of teachers, has been a favorite plan with those who have turned their attention to the improvement of common schools in this as well as in other states; and Governor Clinton recommended such a seminary in his message to the Legislature, in 1827.

The committee on literature, in the Senate, to whom this subject was referred, in a report made to that body, in 1827, (Senate Journals, p. 226,) came to the conclusion that the academies may be made to answer the purpose of seminaries for the preparation of teachers for the common schools. To aid in the accomplishment of this object the act of April 13, 1827, was passed, entitled "An act to provide permanent funds for the annual appropriation to common schools, to increase the literature fund, and to promote the education of teachers."

This law appropriated 150,000 dollars to aid the academies, and 133,616 dollars to aid the common schools; making the total sum of 283,616 dollars, taken from the general funds of the state, and applied to the academies and common schools, in that year.

The Regents of the University have not been unmindful of the obligation which rested upon them, in consequence of this liberal appropriation to the literature fund; and their annual report of 1838, encourages the belief that the seminaries which participate in the literature fund, will in some measure become nurseries of teachers for the common schools.\*

In 1830, the sum of ten thousand dollars, arising from the literature fund, was apportioned to fifty-five academies, which reported more than two thousand students pursuing classical studies, or the higher branches of an English education.

The paper marked F, which exhibits the number of academies and their location, the number of scholars, and the money apportioned to each school, as well as their classification in the several districts, is extracted from the appendix to Mr. Butler's Discourse before the Albany Institute. This schedule shows that there is a number equal to seven seminaries, in each senate district, which

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\* The Regents in their annual report say—"The academies have become, in the opinion of the Regents, what it has been always desirable they should be, fit seminaries for imparting instruction in the higher branches of English education, and especially for qualifying teachers of common schools, as well as for preparing students in classical studies, preliminary to a collegiate course. For this elevation and degree of usefulness, to which our academies have thus happily attained, they are chiefly indebted to the munificence of the Legislature; first, in the original establishment of the literature fund for the special encouragement of these institutions, and next in the gradual increase of that fund, from time to time, until, by the extraordinary and most liberal endowment of 150,000 dollars, made by the act of April last, the fund has become of such magnitude as to enable the Regents to distribute to every academy, entitled to participate in a dividend, sufficient, with the aid of ordinary tuition money and other revenues, to secure the services of the most able teachers, and thereby to enable the several institutions to fulfil all the beneficial ends for which they were established."

"The Legislature having, by the act before referred to, declared it to be one of their primary objects in the great increase made by them of the literature fund, to promote the education of teachers, the Regents equally with the Legislature, being impressed with the sense of the paramount importance of this great object, will always cheerfully co-operate in promoting its speedy accomplishment."

are capable of fitting teachers for the common schools. These seminaries have already received, from the funds of the state, in grants of money, of land, and in the revenue of the literature fund, the sum of 169,716 dollars, and are now receiving annually the revenue (\$10,000,) of a capital of 256,000 dollars.

What more ready or practicable plan can be offered, than to convert these numerous academies, equal in number to the counties in the state, into seminaries for training teachers? The state has done much for these schools, and something in aid of the cause of the common schools may reasonably be expected from them. And if the required information, to fit a person for teaching, can be obtained in the present institutions, sound policy and good economy are in favor of relying upon them for the training of teachers. There is already invested in real estate, buildings, libraries, and philosophical apparatus, an amount of more than 400,000 dollars in the incorporated academies, which are subject to the visitation of the Regents of the University. The teachers of these academies are represented by the Regents as well qualified to discharge the duties of their stations. Is it not feasible, as well as desirable, to make these seminaries the nurseries for teachers? The Regents are desirous that it should be so, and the instructors of the academies are not only willing, but able, to discharge their duty in the premises. They are generally persons of good talents, of experience in the business of teaching; and they are the very persons from whose ranks the professors of a state institution would be selected, if one was established. Can they not be made equally, if not more, useful in their present situations?

It is urged, however, that very few of those educated at the colleges or academies, engage as teachers of the common schools, and that there is a very great deficiency in the number of those who are properly qualified.\* This state of things is conceded, and the impor-

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\* The committee appointed by the inhabitants of Rochester, addressed circulars to the inspectors of the several towns in Monroe; and the following interesting facts are given as the result:

- I. That the average proportion of instruction by male teachers, in each town, is four months.
- II. By female teachers, five months.
- III. That the average number of male teachers, who have received an education at our incorporated academies or colleges, is very small; say from one-fourth to one-tenth of the whole number employed, probably an average of one-eighth.
- IV. That "a great number" of incompetent teachers have been employed, and the causes assigned are—The scarcity of competent teachers; the smallness of compensation; the fault of inspectors in giving certificates to incompetent teachers; the yielding of inspectors to the solicitations of trustees to give a certificate after examining a teacher and finding him deficient; the employment of female teachers during the summer months, without being examined; the law requiring a school to be taught only three months by a qualified teacher, to entitle a district to receive its quota of the public money; the neglect of inspectors to visit schools; the want of the necessary interest, in many parents, on the subject of the proper culture of the

tant question arises, why is it so? Is not the principal cause to be traced to the smallness of the compensation of teachers, compared to that which is paid to persons of good talents and acquirements in all the other pursuits of life?

The expense of a state seminary would be a serious objection, in the present state of the treasury, even if it promised to accomplish, what has not been realized from the academies—namely—to supply the districts with first rate teachers, for second rate prices.

The revenues of the State have been liberally contributed in aid of the colleges, academies, common schools, and the canals; and these measures, which have added so much to the honor and glory of the State, as well as to the wealth and permanent good of its inhabitants, have so far exhausted the general funds, that the establishment of seminaries for teachers could only be accomplished by a tax upon the people to pay the expense. If they are unwilling to be assessed in their districts to pay the wages of competent teachers, who have been educated in academies already erected, would they be willing to pay a tax for a seminary to train the teacher, and afterwards contribute in the district to pay him the required wages to ensure his services?

Another plan has been suggested, which contemplates the establishment of state schools; in which it is proposed to relieve the parents from the care of their children, who are to be taken under the guardianship of the state, and not only educated, but clothed, fed and lodged in apartments connected with the establishment.

It is urged in support of this plan, that a strictly republican education is essential to the preservation of that equality which is contemplated by our free institutions, and that "if the children from the state schools are to go every evening, the one to his wealthy parents' soft carpeted drawing-room, and the other to its poor father's or widowed mother's comfortless cabin, they will not return the next day as friends and equals."

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minds of their children, exhibited by their neglect to visit the schools, and their disposition to do, in many instances, less liberality in the payment of teachers, than in any other department of domestic economy.

V. That the average compensation, per month, to male teachers, is \$12 to \$14, to female teachers, \$4.50.

VI. That the average number of different kinds of spelling books, used in each town, is four, grammars four, arithmetics five, geographies four.

VII. That the inconvenience experienced from frequent changes of books, arising chiefly from the diversities of taste or judgment in the teachers, "is very great."

This new system would not reach the children of those who now send to private schools, any more than the present system does.

In the country towns, the great mass of the inhabitants send to the district schools; and it would be fortunate indeed, if our common schools had no greater evils to overcome, than this imaginary one, of an apprehended inequality which is to interrupt the association of school children, because there may be an inequality in the property of their parents.

In the practical operation of our system, does the evil complained of exist? The children of the rich and the poor meet at the district school upon a footing of perfect equality, and the only distinction recognized by law or custom, is, that of scholarship and good conduct. At home, the wealthy parent, who has any practical common sense, teaches his children that their future advancement and standing in society will be controlled by the same causes which influence the destinies of the children of their less wealthy neighbors, viz: by their own exertions and good conduct; and the children of the poor are taught by the precepts of their parents, as well as by the practical operations of our free institutions, that the first honors of the nation may be achieved by the persevering industry, and virtuous conduct, of a boy who commences his career in the humblest walks of life.

The children of the poor are as much attached to their homes, however humble, as are those of the rich, however splendid; and it is more common to see the children of a school awarding distinction to a good scholar whose parents are poor, than to see them paying deference to one, merely on account of the wealth of its parents.

If the attainment of a republican system of equality is the object aimed at, who that has a knowledge of our population would advise the substitution of state guardianship, even for the children of the poor, in preference to the more natural, and much more useful guardianship, of their humble parents; whose attachment to their children increases their love of country, because its institutions hold out to their offspring advantages which it is not their lot to bestow: Having few objects on which to bestow their affections, they have a larger share for their children and their country; and if disinterested patriotism is any where to be learned, it is at the fireside of the humble, unpretending citizen. While his children are taught that they must labor for six months in the year in order to enjoy the advantages of the common school for the other six months, they are at

the same time taught to believe that they are in no respect inferior to those of their wealthy neighbors; and that meritorious conduct, and not property, is the true passport to distinction. Instead of imbibing sentiments which tend to degrade them in their own estimation, the children of the great mass of our population are taught, at home, lessons of the purest republican equality, and of the loftiest patriotism.

Our present system, except in the cities and a few villages, where special laws interfere, is admirably constructed to bring the children of the rich and the poor together, without the feelings of arrogance in one portion, or of degradation in another. The indigent receive the contributions of the wealthy in the support of the school at which the children of both are instructed, without any circumstances which give to the school the character of a pauper establishment, or which enable the children of the rich to know or feel that any of their school-fellows are placed there upon a footing different from their own.

The operations of the system may be illustrated by taking the case of two persons in a district, each having children, the one worth 10,000 dollars, and the other limited to the property which is exempt from execution, and his family dependent for bread upon his daily labor. The first pays the town tax to make up the amount corresponding with the apportionment from the state treasury; he then pays a tax in his district for the erection of a school-house, and for furnishing it with fuel and necessary appendages: So far, the poor man in the case supposed, has not been called upon to contribute any thing, although the school-house has been erected and furnished with fuel and appendages, and one third of the money to pay the teacher has been raised. At this point in the operation of the system, the children come together at the school upon a footing of the most entire equality. How can it be otherwise, for the parents of each have complied with all the requirements of the law; and in applying the public money, the children of the rich and the poor share alike? If one is the recipient of the public bounty, and obnoxious to the imputation of being a charity scholar, he is not more so than the other.

It is susceptible of demonstration, that our system does bring the children of the rich and the poor together in the great majority of the schools. In 481 towns, there are more scholars taught than the whole number of children between 5 and 16; and in a great majority of the 275 remaining towns, those instructed approach so near



the whole number of children between 5 and 16, as clearly to show that the schools embrace the children of nearly all the inhabitants of the districts and towns.

It will be seen, also, by reference to the paper marked G, that in 52 counties, the proportion of those instructed in the common schools, is more than 1 to  $3\frac{1}{2}$ , and in the whole state, about 1 to  $3\frac{1}{10}$ , of the whole number of souls.

With this state of facts, can any one doubt that the great mass of the children of the rich and poor mingle and are instructed together in the common schools? This system, then, secures all the advantages of the most liberal republican equality, without any of the disadvantages, and great burthens, of the state guardianship system.

If there are any scholars in the district, whose parents are in indigent circumstances, the trustees have authority to release them from the payment of any thing whatever ; and this is done at the close of the term, in such a manner as to divest the transaction of all circumstances calculated to wound the feelings of the scholars.

It is one of the most valuable features of our school system, that while its tendency is to induce those in easy circumstances to send their children to the district school, the poor are not turned away, but in truth are instructed at the same school with their more fortunate neighbors, upon a footing of the most friendly equality. To this, more than to any thing else, are we indebted for the success which has attended the school system. Establishments designed merely for the education of the poor, have such a tendency to form a degraded class, and are so nearly associated in the public estimation with pauperism, that they will be shunned by all persons of spirit and independence of mind. A plan for the education of the poor only, so far as the country towns are concerned, would be worse than useless. The only practicable method by which a state can hope to educate the poor, in a republican government, is also to embrace, in their arrangement, those children who are not dependent upon the state for their education.

The radical difference between our school system and the provision for instruction in Pennsylvania and Virginia, is, that ours embraces the whole population, and theirs only the poor. To this,

more than to any single cause, may be ascribed the success of our plan, and the failure of theirs.\*

There is a rapid increase of the children requiring instruction, while the augmentation of the school fund is gradual. The annual apportionment from the state treasury amounts only to 20 cents to each child, between 5 and 16, in the state. The apportionment from the school fund in Connecticut, gives about 85 cents to each child within the enumerated class. If the mere distribution of money from a state fund, would produce good schools, it might be inferred that those in Connecticut were much superior to our own. But even there, with an ample fund, there is much complaint in regard to the low state of common school education.†

Our system is well calculated to awaken the attention of all the inhabitants to the concerns of the district school. The power given to district meetings to levy a tax, to a limited extent, upon the property of the district, excites a direct interest with all the taxable inhabitants to attend the district meetings, whether they have children requiring school accommodations or not. The wealthy are thus prompted to act as trustees and to watch over the concerns of the district,

\* The "Pennsylvania Society for the promotion of public schools," remark upon the Pennsylvania system as follows: "We have reserved, hitherto, our opinion of the great and radical defect, the incurable evil which is inherent in the school system of Pennsylvania, a system which is in opposition to the most sensitive and the strongest moral feelings of our citizens. The feelings of the poorer classes will not permit them to enrol themselves as paupers, in order that their children may receive their education from the charity of the public."

Mr. Mercer, of Virginia, in his Discourse on Popular Education, delivered at Princeton, New-Jersey, states, that "Virginia and New-York, almost at the same moment, provided and set apart a 'permanent fund' for primary or common schools. Forty-five thousand dollars is annually apportioned in Virginia to the counties, and the portion for each county is placed at the disposal of the commissioners annually appointed by their respective courts, and charged with the obligation of applying the sum received by each, to the education, by such schools as may be found to exist, of the children of those parents who are unable to pay for their instruction. The entire number of children benefitted by the application of the fund, during certain portions of the last year, are but about ten thousand, being less than a moiety of the total number reported to be in a condition to require for their education public aid." Pages 52 and 57.

† A very intelligent citizen of Connecticut, in giving his views of the school system of that state, remarks as follows:—"Requiring of the recipients of this public bounty nothing more than that it be expended according to the provisions of the law, is an obvious defect in this system. In this point, the policy adopted in the state of New-York is deserving of imitation. A sum proportioned to the amount received from the state, ought to be advanced for the same objects, by all to whom it is distributed, excepting the indigent. Such a proposition would cause a valuable augmentation of the revenues of teachers, and in that way command services of a higher character. But I should not consider that as its highest excellence. We know, from common and universal experience, that little interest is felt in that which demands neither expense nor attention. Our country is affluent, and pecuniary means may be commanded for whatever we have the will to perform. Few, comparatively, are so indigent as to need charitable aid in the education of their children. A public fund for the instruction of youth in common schools, is of no comparative worth as a means of relieving want. An higher value would consist in its being made an instrument for exciting general exertion for the attainment of that important end. In proportion as it excites and fosters a salutary zeal, it is a public blessing. It may have, on any other principle of application, a contrary tendency and become worse than useless. It may be justly questioned whether the school fund has been of any use in Connecticut. It has furnished a supply where there was no deficiency. Content with the ancient standard of school instruction, the people have permitted the expense of sustaining it to be taken off their hands, and have aimed at nothing higher. They expended about an equal sum before the school fund existed. They would willingly pay seventy thousand dollars more, if made a condition of receiving the state bounty, and thus the amount would be doubled, for an object in which they would then feel they had some concern."

in order to see that its affairs are conducted with care and economy; and much of the intelligence of the district is put in requisition by the peculiarity of our plan, which might be wholly lost to the districts if the whole expense of the tuition was provided by a state fund.

It is perhaps not easy to form a satisfactory opinion as to the mode of providing means for the support of common schools which is the best calculated to diffuse instruction among the great mass of the people. Persons who have given much reflection to this subject are divided in their opinions, whether the greatest good is accomplished by having the state fund provide for the whole expense—by having the inhabitants taxed for the whole expense—or by having the state fund contribute a share, and the inhabitants taxed for the residue.

In Connecticut, the state provides about the amount which is expended for teachers' wages in most of the common schools. In Massachusetts, Maine, New-Hampshire and Vermont, the expense of the schools is paid by a tax upon the inhabitants. In New-York there is a combination of the two systems referred to—the state providing a part, and the inhabitants, by tax, another part. Under the operation of these various systems, in different states, it is believed that there is no very essential difference in the grade of the great mass of the common schools. One very competent judge, in regard to such matters, has expressed a decided opinion in favor of the system in Maine, where there is no state fund, and where each town is required to raise by tax a sum for schools equal to 40 cents for each person enumerated in the census. Another eminent individual has pronounced that system the best where a state fund is provided as an inducement to the inhabitants to organize districts, and which at the same time requires such a local tax as will command the attention of the inhabitants, and excite an interest in the district operations.\*

The sums of money expended upon the common schools, and the general results, would not be essentially different under the sys-

\* Of the three modes of providing for popular instruction—that in which the scholars pay every thing and the public nothing—that in which the public pays every thing and the scholars nothing—and that in which the burden is shared by both; the exposition given by Dr. Chalmers, in the "Considerations on the System of Parochial Schools in Scotland," in favor of the last, appears to us to be unanswerable. When people know that they can get their instruction for nothing, they care very little about it, and are so apt to wait till the proper period for education be gone, without seeking it at all, that we perfectly agree with this most accurate observer of the habits of his countrymen, that "one consequence of charity schools with us, has been a diminution in the quantity of education."

[Edinburgh Review, No. 32.]

tem adopted in Maine, from what they are under our own. According to the ratio of taxation adopted in Maine, the county of Dutchess would pay a school tax assessed upon the several towns, of \$20,370 dollars; under our system the money expended for the common schools of that county, including 2,980 dollars received from the state treasury, amounts to \$20,862 dollars: Ontario would be taxed for schools, according to the Maine system, 16,148 dollars, and according to our system, the money expended in that county for the support of schools, amounts to 16,936 dollars.

These counties have a dense population, are wealthy, have no local funds, and are selected as fair specimens for illustration; the one being in the eastern and the other in the western section of the state.\*

It has been urged, that the amount distributed from our fund is too small, and that an increase of the fund would of itself raise the standard of the common schools; but an increase of the school monies would be much more likely to decrease the contributions of individuals, than to elevate the standard of the common schools. If a majority of the trustees or inhabitants of a district have fixed their minds upon 10 dollars, as the monthly wages which ought to be paid to a teacher, and if that district receives 30 dollars, it is not improbable that they would employ their teacher for 3 months, which answers the requirements of the statute, and pay him the 30 dollars; and thus their whole duty in relation to the school for that year is discharged. Having fixed their standard at 10 dollars per month for the teacher, if they only receive 15 dollars from the public fund, they would employ the same teacher, and pay the additional 15 dollars out of their own pockets. When the inhabitants of that district should become satisfied that it was for the interest of their children to employ a well qualified teacher for the whole year, at 25 dollars, they would employ such teacher whether the state should pay one-half or one-tenth of the amount.

\* The following comparative view shows the amount paid for teachers' wages, including the sum received from the state, under our system; as well as the sum which the same counties would pay by raising an amount equal to 40 cents for each person, according to the system in Maine. The counties are selected from each of the 8 Senate districts in the state.

Districts.	Counties	Would pay, on the Maine system.	Actually paid under our system, the past year.
1.	Suffolk, . . . . .	\$10,712	\$10,374
2.	Dutchess, . . . . .	20,370	20,862
3.	Columbia, . . . . .	15,980	15,719
4.	Washington, . . . . .	17,812	13,890
5.	Jefferson, . . . . .	19,398	14,888
6.	Otsego, . . . . .	20,548	15,782
7.	Ontario, . . . . .	16,148	16,986
8.	Livingston . . . . .	11,861	20,327

Our system of common school instruction is founded upon the principle that the state, or the revenue of the school fund, will pay only a share of the expense, and that at least an equal share, as the condition of receiving the state fund, shall be assessed upon the property of the town. In addition to all this, and as a necessary pre-requisite to a participation in the public money, the inhabitants of each district are required to tax themselves for building a school-house and furnishing it with the necessary fuel and appendages.

In order to have a full view of the operations of our system, the trustees of school districts have been required, for the last three years, to return the amount paid for teachers' wages in each district, over and above the sum received from the state treasury, from the town tax, and from the local school fund. Seven hundred and forty-two towns and wards have made returns, which show a total amount paid by the patrons of the common schools, besides the public money received by the school districts, of 346,807 dollars; which, added to the public money, makes an aggregate of 586,520 dollars, paid for teachers' wages alone, in the common schools of the state.

Thus it will be seen, that where the state, or the revenue of the school fund, pays one dollar for teachers' wages, the inhabitant of the town, by a tax on his own property, pays \$1.25 cents, and by voluntary contribution in his district, \$3.46 cents, for the same object; and the local fund amounts to an average of 15 cents more.

The foregoing results are given from actual returns, and may be relied upon. They exhibit only the sum paid for teachers' wages, which is less than half the expense incurred for supporting the common schools, as will be seen by the following estimates.

The average between the whole number of districts, and those which have made returns, deducting 22 for New-York, gives 8,824; this number of school-houses, at an average price of 200 dollars each, would show a capital of 1,764,800 dollars; add to this the cost of the school-houses and their appendages in New-York, 163,436 dollars, and it gives a total of 1,928,236 dollars, vested in school-houses, which at an interest of six per cent

would be .....	\$115,694 00
Annual expense of books for 499,494 scholars, at	
50 cents each, .....	249,717 00
Fuel for 8,846 schools, at \$10 each, .....	88,460 00
Amount carried forward.....	\$453,871 00

Amount brought forward,.....	\$453,871 00
Amount of public money paid for teachers' wages, .....	239,713 00
Amount paid in the districts for teachers' wages, besides public money, .....	346,807 00
Estimating in same ratio for 43 towns which have not returned amount over and above public money, .....	21,308 00
	<hr/>
	\$1,081,699 00

showing a total amount of one million and sixty-one thousand six hundred and ninety-nine dollars, expended annually for the support of the common schools of the state.

The preceding estimates show that the revenue of the school fund (that is, the amount derived from the State treasury) pays less than one-tenth of the annual expenditures for the support of the common schools; another tenth is raised by a tax upon the property of the towns respectively; and the two-tenths thus made up, (being the item of 239,713 dollars in the foregoing statement,) constitutes what is called the school money, and is the sum received by the commissioners of the towns, for distribution among the several districts. Something less than two-tenths (for school-houses and fuel) is raised by a tax upon the property of the district, in pursuance of a vote of the inhabitants thereof; and the residue, nearly six-tenths, or 617,822 dollars, is paid voluntarily by the parents and guardians of the scholars, for books, and for the balance of their school bills, after the public money has been applied.

The Superintendent begs leave to refer to the last annual report, (document No. 31,) for an abstract of the various kinds of books used in the common schools. It is desirable that the schools should be supplied with elementary books adapted to the capacities of children, and accurate in regard to all the subjects of which they treat. It has been urged, that uniformity in the books used in the schools ought to prevail, and applications have frequently been made to the Legislature, to adopt by statute, particular books for the use of the common schools. The committee on literature in the Assembly, last year, investigated this matter, and the chairman made a report, (document 431, of 1830,) to which the attention of the Legislature is respectfully referred.

No man or set of men could make out a list of class books for the instruction of half a million of scholars, which would give general satisfaction ; and there is great reason to believe that the experiment to produce uniformity, would do more harm than it promises to do good. In view of all the difficulties which surround this subject, the Superintendent believes that it is best to leave the selection of class books to the intelligence of the inhabitants of the districts and towns.

In the cities, and in several of the villages, the public money is restricted to a very few schools ; and in some of the villages, to a single school ; this has been a subject of complaint, and in some cases, the special laws in relation to the distribution of the money have been changed.

Until recently, the public money apportioned to the city of Albany, was paid exclusively to the Lancaster school : this caused some dissatisfaction, and an application was made to the Legislature, and a law was passed, authorising six school districts in the city, and placing the schools upon a footing similar in most respects to those in the country ; in one material particular, however, the law varies from the general law ; and that is, in not authorising the trustees to rent or build school-houses, and furnish them with necessary fuel and appendages, at the expense of the city. In the report made to the Assembly on this subject, (p. 746, Journals of 1839,) by the Superintendent, it was recommended that the rent of the school-houses should be defrayed by a tax upon the city. This recommendation is renewed at this time, from a belief that such a provision is indispensable to the success of the schools. The city of Troy is taxed for a similar object ; and the poorest districts in the country erect their school-houses by a tax upon property : why then should Albany be exempted from this almost universal mode of furnishing school houses ?

In the village of Utica, all the school money is paid to one school, and is shared by about one out of thirteen of the children between 5 and 16. It appears by a report made to the Utica Lyceum in October last, that there are 27 private schools in that village, which depend for support entirely upon the number of pupils. The number of scholars instructed in all the schools, is 1,301 ; which, deducted from the whole number of children between 5 and 16, as reported by the trustees, leaves 548 who do not attend any school :

these facts would seem to show the necessity for some extension of the school accommodations in that village.\*

The Lancaster school in Poughkeepsie draws the money for 1,100 children, and instructs 200 scholars. The public money for the whole town is 743 dollars, of which 480 dollars are received by 200 scholars, leaving 263 dollars to be divided among 331 scholars belonging to ten districts; eight of these districts are reported as having paid \$738.65 for teachers' wages, besides public money; and the Lancaster school has not, as appears from the report, received any aid from individuals.

In the city of New-York, the public money, amounting to 34,648 dollars, has been distributed among 28 schools, in which 6,321 scholars have been instructed during the year. The paper marked H, is the report of the commissioners of common schools for the city.

By an act passed in 1829, (ch. 265,) it is provided that the corporation of the city of New-York, in addition to the amount heretofore raised for the support of schools in the city, shall annually raise and collect, by tax upon the inhabitants, a sum of money equal to one-eighth of one per cent of the value of the real and personal property in the city, to be applied exclusively to the purposes of common schools. The avails of this tax have, for the first time, been added to the school money for the past year. The one-eighth of one per cent on the taxable property of the city, produces 14,071 dollars, and increases the apportionment which is paid annually to the trustees of the public school society, to 29,582 dollars.

The public school society, as will be seen by the statement appended to the paper marked H, has 11 school-houses, which cost

\* The committee of the Lyceum give the following facts :

The number of schools in the village is .....	29
Number of persons employed as teachers and assistants,.....	46
Number of scholars enrolled.....	1261
Do. do. in daily attendance,.....	1110
Do. do. not residents of the village,.....	74
Number of males,.....	625
Do. females,.....	595

Of these schools, eleven are under the direction of male teachers, and eighteen under the superintendence of females: six of the number may be included under the terms, academy, high schools, or seminaries; all the rest, except two infant schools, may be denominated private schools; one only of the whole number is a public school, in which are enrolled but one hundred and thirty pupils. To the support of this one school is appropriated all the money derived from the state and town treasuries for the support of common schools. From the literary fund of the state, a small appropriation is made to the academy. The other twenty-seven are established by individual enterprise, and depend for support entirely upon the number of pupils which they may happen to obtain.

The amount which is paid for the annual rent of rooms and buildings for the accommodation of all the schools collectively, is \$2,155.



147,686 dollars; and the books and furniture for 21 school rooms are estimated at 15,750 dollars more; making the total value of the school property belonging to the society, 163,436 dollars. There are mortgages upon six of the school-houses, amounting in all to 60,000 dollars. The permanent debt of the society, as stated in the twenty-fifth annual report, is 70,000 dollars.

Previous to 1826, the schools of this society were free schools: in the session of that year, (chap. 25,) the name of the "Free School Society" was changed to that of "Public School Society," and the trustees were authorised to exact such moderate compensation as the parents of the pupils could pay; with a proviso that no child should be denied the benefits of the school on account of its inability to pay. The same law secured to the society its share of the school fund, as well as about 4,000 dollars for lottery licenses, and 1,500 dollars from the excise fund; and the trustees are required to provide, "so far as their means may extend," for the education of all the children in the city not otherwise provided for. The same act contained a provision for the trustees of the society to convey their school edifices to the corporation of the city, taking back from the said corporation a perpetual lease, thereof, upon condition that the same shall be exclusively and perpetually applied to the purposes of education.

This arrangement, it was reasonable to suppose, would protect the school-houses against any incumbrances except those resting upon them at the time the law was passed. The society went on under the provisions of the law before referred to, until 1829, when they obtained an act (chap. 4, of 1829) which authorises a majority of the trustees of the society, for the purpose of carrying into effect the objects of the society, "to dispose of, grant and convey, or to mortgage any of the said estate, or any part thereof." There is no value or security to the public, in having the title of the school-houses in the corporation, with this provision, that the trustees of the society may mortgage and sell them. The trustees are not even required to ask the advice or assent of the "mayor and commonalty," who are vested with the title of the school-houses, in trust for the present and future generations. The corporation of the city, it will be seen, hold this property by a very singular tenure.

Why should the trustees of the public school society be authorised to sell or mortgage the common school-houses? In the country, the trustees and taxable inhabitants of the districts, are not authorised to sell their school-houses without an application to the legislature; and instead of erecting them by a mortgage upon the premises, they tax themselves to do it. The school-houses in the cities, ought in the same manner to be built by a tax upon property, and placed beyond the reach of rents or incumbrances, and perpetually set apart for the uses of common schools. If this was the case, and if the public money was applied, as it is in the country towns, exclusively to the payment of teachers' wages, the apportionment for the city would pay the wages of a sufficient number of teachers to instruct all the children who do not, from choice, attend private schools. As it is, the trustees of the society receive more than 29,000 dollars, from the commissioners of schools, and pay about 16,000 dollars for teachers' wages, and for books for the scholars. The residue of the school money is applied to the payment of interest on debts contracted for the erection of houses, for fuel, &c. And this system is going on at a time, when it is admitted, that there are 10,000 children in the city who do not attend any school whatever.

The preceding remarks have reference solely to the policy of the present laws. The trustees of the public school society, have, undoubtedly, made the best use of the means placed at their disposal, to give instruction to all the children of the city. The school-houses which have been erected, are spacious and airy, and furnished with globes, maps, books, and good teachers. The culpable indifference of parents, is assigned as one principal reason why there are such a number of children who do not attend any school. And it is stated, in the last report of the trustees, that they have employed a person to visit the parents of children, to explain to them the nature and design of the institution, and to urge those who have been remiss in embracing the offered boon, to avail themselves of the benefit of the public schools. The board has also, at various times, issued addresses "to benevolent citizens generally, inviting their co-operation in inducing the poor and laboring classes to send their children to school."

The trustees have done all which could be expected of them, to persuade parents to send their children to the schools. The extension of the schools to every neighbourhood, and the distribution of the public money, according to the number taught in each, might

afford a partial remedy. This neglect of parents to send their children to school, is not peculiar to this age, or this country, as may be inferred from the coercive measures adopted elsewhere, to remedy the evil. In Prussia, parents are subject to a penalty, if they neglect to send their children to school, after they arrive at a certain age. The laws of the colony of New-Haven, as early as 1665, made it the duty of all parents and masters, to "provide that all their children and apprentices, as they grow capable may, through God's blessing, obtain at least so much [instruction] as to be able to read the scriptures, and other good and profitable books in the English tongue, being their native language. Parents and masters, found to neglect this duty, were, on the first complaint, to be fined ten shillings; on the second complaint, three months after the first, twenty shillings; on the third complaint, they were to be fined still higher, or their children and apprentices were to be taken from them, and put under the care of others; males until 21, and females until 18 years of age."<sup>a</sup>

It is a peculiar advantage, which belongs to the Sunday schools, as well as the infant schools, that benevolent persons, in great numbers, interest themselves in seeking out and enticing into these schools, hundreds who otherwise might be entirely neglected, and become the victims of ignorance and vice. These incipient steps, give the child a habit for study, and a taste for instruction, which afterwards may induce him, as well as his parents, to seek after, instead of shunning, and neglecting the advantages held out to all, by our school system.

The paper marked G, shows the proportion which the scholars instructed bear to the whole population in the several counties.—The average number of those attending school, compared with the number of inhabitants, is as 1 to 3155. Appended to this statement, is a table showing a similar comparison between the children at school, and the whole number of inhabitants, in various countries in Europe. In Prussia, there is 1 child at school for every 7 inhabitants; in Bavaria, 1 to 8; in England, 1 to 15. This comparison exhibits a contrast highly flattering to school education in this state.

The paper marked I, exhibits the gain and loss in the several counties, of the number of children taught, the number between 5

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<sup>a</sup> Letter of Mr. Peers, to the Kentucky Legislature.

and 16, the number of districts, the increase in the amount paid for teachers' wages, over and above the public money ; as well as the number of districts inspected in each county, and showing the total number to be 6,589.

The Superintendent has been informed by a gentleman connected with the proposed university in New-York, that it was in contemplation to establish a department for the special education of teachers ; and that negotiations were going on with a gentleman of great experience in the art of teaching, and who is eminently qualified to take charge of such a department. The consummation of this plan for training teachers, is much to be desired ; and it has decided advantages over a state seminary for that purpose.

A small volume has been recently published, entitled " Lectures on School Keeping, by Samuel R. Hall." The author has had much experience in teaching, and the lectures contain practical directions to teachers, and advice as to the mode of governing and teaching a school. The distribution of a copy of this work to each district in the state would, in the opinion of the Superintendent, have a most salutary influence upon teachers as well as the schools. The interest on the deposits of the annual revenue of the school fund, from the time it is paid into the treasury until the first of February, would defray the expense of such publication ; and the books might be sent with the Session Laws to the several counties, without any additional charge to the state.

The children taught in the common schools of the state fall only 576 short of half a million. According to an enumeration in 1829, there were four hundred and forty-two private schools in the city of New-York ; there are at least 40 schools in Albany, 27 in Utica, and numerous private schools in the other cities and most of the villages of the state, the scholars of which are not embraced in the returns made to the Superintendent. A complete census of the scholars in the colleges, academies, and the private and common schools, would present a total of at least five hundred and fifty thousand scholars receiving instruction annually in the whole state ; which is equal to 1 person attending school to  $3\frac{1}{2}$  of the whole population, as ascertained by the late census.

The immense importance of elevating the standard of education in the common schools, is strongly enforced by the fact, that to every ten persons receiving instruction in the higher schools, there are

at least five hundred dependent upon the common schools for their education. In urging the importance of common schools, it is not designed to depreciate the great utility of those of a higher grade. In the discussions on the subject of popular education, it has in some cases been urged that academies and high schools were injurious to the common schools, by withdrawing from the aid of the latter, the patronage and care of those who are able to send to the former schools. There is nothing in our experience which should induce us to look with disfavor upon the higher schools; and the patriot and the philanthropist, in estimating the means which are to contribute to the perpetuity of our happy form of government, will regard all our schools and seminaries, as parts of the same useful and valuable system, from the university to the infant school.

A. C. FLAGG,  
*Superintendent of Common Schools.*

(A.)

## ABSTRACT

*From the returns of Common Schools, of the several Towns and Counties in the State of New-York, for the year 1830.*

### ALBANY COUNTY.

Counties and Towns from which returns have been received.	Whole No. of school districts in said towns.	No. of districts from which returns have been received.	Average No. months in year.	Amount of public money received in said districts, as stated in said returns, during the year.	Amount paid for teachers wages besides public money.	Number of children taught therein, during the year, as stated in said returns.	Number of children between the ages of 5 and 16 years, residing therein, as stated in said returns.
City of Albany,....	6	6	8	1388 02	.....	1735	5052
Bethlehem, .....	27	27	9	690 71	2131 91	1255	1885
Berne, .....	22	22	9	435 06	458 11	1129	1164
Coeymans, .....	15	15	8	315 20	732 59	772	880
Guilderland, .....	10	10	9	300 40	565 48	551	843
Knox, .....	12	12	8	274 92	517 95	606	667
Rensselaerville, ...	21	21	9	428 34	912 14	1021	989
Watervliet, .....	15	15	9	422 20	.....	714	1069
Westerlo, .....	23	23	9	414 00	999 49	1107	1069
	151	151	9	4668 85	6367 67	8890	13618

### ALLEGANY COUNTY.

Allen, .....	7	7	6	89 78	197 49	347	339
Alfred, .....	11	11	6	143 51	321 92	622	532
Almond, .....	15	15	7	170 50	570 20	589	489
Amity, .....	9	9	5	42 59	97 99	188	231
Andover, .....	8	6	4	57 00	67 07	169	194
Angelica, .....	6	6	7	124 72	456 65	236	273
Birdsall,* .....	.....	.....	.....	.....	.....	.....	.....
Burns, .....	5	5	5	80 00	70 96	231	218
Bolivar, .....	5	5	5	37 50	65 70	209	137
Caneadea, .....	6	6	5	68 20	132 94	256	233
Centerville, .....	7	7	5	94 40	207 09	301	332
Cuba, .....	9	9	5	84 94	195 04	322	343
Eagle, .....	7	7	5	71 40	109 04	327	237
Friendship, .....	12	11	6	139 68	175 97	472	428
Genesee, .....	1	1	4	9 80	32 00	50	52

\*Included in Allen.

## ALLEGANY COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Grove, .....	13	10	6	92 12	261 50	459	416
Haight, .....	7	6	4	46 64	7 70	188	175
Hume, .....	8	8	6	75 06	132 14	263	278
Independence, .....	8	5	5	70 52	89 35	220	208
Nunda, .....	8	6	7	81 20	206 28	357	312
Belfast, .....	9	9	5	34 61	179 99	220	206
Ossian, .....	7	6	6	95 52	278 69	291	266
Pike, .....	14	14	7	189 56	530 93	716	636
Portage, .....	10	9	9	190 10	625 06	742	578
Rushford, .....	9	9	6	99 36	.....	346	387
Scio, .....	3	2	5	69 54	111 47	149	287
	200	189	6	2258 25	5123 17	8270	7787

## BROOME COUNTY.

Chenango, .....	22	16	7	341 46	528 39	890	929
Colesville, .....	19	16	7	316 50	364 74	811	649
Conklin, .....	8	6	7	78 09	111 97	210	215
Lisle, .....	33	33	7	521 44	747 44	1630	1354
Sanford, .....	11	10	5	156 21	127 90	326	274
Union, .....	14	13	7	206 08	395 49	648	603
Vestal, .....	5	5	7	114 47	206 84	297	284
Windsor, .....	13	13	7	333 28	175 21	731	615
	125	112	7	2067 53	2657 98	5543	4923

## CATTARAUGUS COUNTY.

Ashford, .....	6	5	6	51 09	162 47	161	141
Cecilius, * .....	...	...	...	.....	.....	.....	95
Connewango, .....	12	11	6	143 42	333 35	589	493
Ellicottville, .....	5	5	7	72 76	171 08	232	190
Farmersville, .....	11	9	5	117 95	178 03	422	381
Franklinville, .....	8	5	5	66 00	91 43	156	227
Freedom, .....	9	9	6	173 52	219 72	408	375
Great-Valley, .....	7	6	4	70 14	37 95	130	178
Hinsdale, .....	14	7	6	71 07	90 91	207	167
Little-Valley, .....	14	7	5	85 74	107 42	232	212
Lyndon, .....	3	3	5	20 70	86 59	162	124
Machias, .....	5	3	7	79 43	101 32	182	154
Napoli, .....	7	7	5	82 21	195 37	376	303
New-Albion, .....	4	3	4	.....	.....	65	87

\*Included in Little Valley.

## CATTARAUGUS COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Olean, .....	3	3	8	74 97	96 56	68	88
Otto, .....	15	7	5	97 18	136 49	228	234
Perrysburgh, .....	18	14	7	228 07	308 22	667	681
Randolph, .....	6	4	6	61 80	122 07	202	207
Yorkshire, .....	6	6	8	79 44	175 66	285	263
	153	114	6	1575 49	2614 44	4832	4600

## CAYUGA COUNTY.

Auburn, .....	6	6	10	387 96	423 31	506	778
Aurelius, .....	15	13	9	271 61	828 58	852	887
Brutus, .....	9	9	8	290 28	425 39	623	592
Cato, .....	12	12	7	224 18	467 82	680	597
Conquest, .....	8	11	6	158 04	258 03	492	482
Fleming, .....	7	6	9	197 23	570 36	544	447
Genoa, .....	15	15	9	808 47	558 13	949	835
Ira, .....	12	12	8	269 56	.....	734	691
Ledyard, .....	14	14	9	572 00	953 85	1016	965
Locke, .....	20	20	7	391 90	615 45	1279	1075
Mentz, .....	16	16	7	534 58	1024 02	1180	1311
Owasco, .....	7	6	9	199 09	366 22	405	427
Scipio, .....	15	15	9	572 60	845 56	937	816
Sempronius, .....	32	32	8	813 74	1144 22	2111	1773
Sennet, .....	13	13	9	471 00	561 16	813	783
Springport, .....	8	8	9	299 15	713 57	699	525
Sterling, .....	11	10	7	133 74	246 29	561	447
Venice, .....	13	13	8	527 95	411 23	768	714
Victory, .....	11	11	6	224 20	272 77	570	630
	244	242	8	7347 28	10685 96	15719	14774

## CHAUTAUQUE COUNTY.

Arkwright, .....	11	9	..	34 44	87 98	154	276
Busti, .....	13	13	6	146 90	321 46	615	490
Carroll, .....	5	5	6	83 28	206 46	266	234
Charlotte, .....	9	9	5	62 67	138 13	331	265
Chautauque, .....	16	15	7	176 06	558 22	672	732
Cherry-Creek, ....	5	4	6	36 10	89 51	165	121
Clymer, .....	4	4	5	21 48	136 52	188	118
Ellery, .....	16	12	7	162 24	560 33	606	550
Ellicott, .....	12	10	7	121 20	382 39	521	453
Ellington, .....	9	7	6	101 94	246 69	338	306



## CHAUTAUQUE COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16
French-Creek, ....	3	3	5	20 48	36 98	126	137
Gerry, .....	7	7	6	147 04	224 30	329	291
Hanover, .....	14	14	7	217 97	640 95	1070	830
Harmony, .....	12	12	7	114 56	393 69	592	585
Mina, .....	13	8	5	69 80	163 09	345	328
Pomfret, .....	19	19	8	343 44	916 57	1271	1106
Portland, .....	12	10	7	161 04	329 26	592	546
Ripley, .....	11	10	6	144 04	433 09	598	551
Sheridan, .....	11	11	7	172 66	615 74	603	550
Stockton, .....	11	11	7	114 70	218 80	483	449
Villanova, .....	9	8	7	105 80	182 23	307	248
Westfield, .....	17	10	7	166 19	570 65	818	661
	239	211	6	2724 03	7453 04	10990	9827

## CHENANGO COUNTY.

Bainbridge, .....	22	22	7	582 43	.....	1166	974
Columbus, .....	12	12	7	296 34	251 39	614	532
Coventry, .....	11	10	8	227 57	244 58	500	469
Guilford, .....	16	16	7	356 61	563 10	962	774
German, .....	9	9	6	144 59	167 14	441	277
Greene, .....	19	17	8	449 32	573 44	979	998
Lincklaen, .....	9	9	7	232 22	259 93	718	460
Macdonough, .....	10	10	6	304 68	78 37	460	389
New-Berlin, .....	17	17	8	399 24	692 13	1207	789
Norwich, .....	28	27	5	414 36	.....	1323	1206
Otselic, .....	9	9	7	281 47	152 84	479	372
Oxford, .....	17	17	7	401 56	671 50	972	848
Pharsalia, .....	8	8	5	226 14	.....	366	307
Pitcher, .....	9	9	7	185 16	245 66	489	357
Plymouth, .....	13	13	7	302 50	252 79	691	542
Preston, .....	11	11	6	242 39	233 52	472	392
Sherburne, .....	18	17	7	417 33	625 03	945	740
Smithville, .....	12	12	7	214 42	298 56	605	633
Smyrna, .....	15	14	7	269 42	393 81	682	578
	265	259	7	5947 75	5703 79	14171	11637

## CLINTON COUNTY.

Beekmantown, ....	11	11	7	187 01	430 62	588	595
Champlain, .....	11	9	8	225 68	408 47	499	647
Chazy, .....	16	16	7	296 44	631 11	1018	691

## CLINTON COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Ellenburgh,* .....	...	...	...	.....	.....	.....	.....
Mooers, .....	8	8	5	120 63	148 26	343	321
Peru, ....	22	22	8	492 42	1044 10	1145	1346
Plattsburgh, .....	19	17	8	464 34	1339 34	1152	1341
Saranac, .....	2	2	9	16 27	.....	118	125
	89	85	7	1802 79	4001 90	4863	5291

## COLUMBIA COUNTY.

Ancram, .....	12	12	8	238 86	329 90	440	499
Austerlitz, .....	18	17	9	278 02	533 03	784	691
Canaan, .....	10	10	8	253 38	547 78	655	599
Chatham, .....	17	16	10	452 64	961 50	968	1031
Claverack, .....	13	13	11	367 48	1445 76	706	816
Clermont, .....	8	8	10	141 55	810 98	297	416
Copake, .....	9	9	10	202 82	382 12	489	521
Gallatin, .....	6	6	10	386 75	416 96	292	520
Germantown, ....	5	5	9	113 84	272 17	191	308
Ghent, .....	15	15	10	283 34	1319 33	613	717
Hillsdale, .....	16	16	9	272 19	675 68	874	745
Hudson, .....	4	4	10	122 34	495 58	190	253
Kinderhook, .....	10	10	11	300 65	750 95	586	788
New-Lebanon, ....	15	15	8	325 14	611 45	923	724
Livingston, .....	8	8	10	249 83	723 25	412	567
Stuyvesant, .....	7	7	11	233 72	745 19	568	709
Taghkanick, .....	7	7	10	209 46	265 61	326	512
	178	178	10	4432 01	11287 24	9314	10416

## CORTLAND COUNTY.

Cineinnatus, .....	9	9	8	210 56	307 40	374	392
Cortlandville, .....	19	18	7	1005 00	768 50	1218	1099
Freestown, .....	7	7	8	107 80	230 08	375	317
Marathon, .....	6	6	7	179 15	166 12	380	256
Homer, .....	20	20	7	505 75	861 65	1169	968
Preble, .....	11	11	7	282 73	162 51	563	463
Scott, .....	9	9	7	221 76	125 76	511	416
Solon, .....	17	15	7	319 52	280 54	1055	590
Truxton, .....	31	30	7	692 56	529 86	1448	1216

\*Included in Mooers.

## CORTLAND COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Virgil, .....	25	25	7	476 19	494 73	1408	1203
Willet, .....	6	6	7	71 76	188 10	256	233
	160	156	7	4072 78	4115 25	8757	7153

## DELAWARE COUNTY.

Andes, .....	13	13	6	223 69	230 36	616	567
Bovina, .....	8	8	6	154 40	108 75	446	449
Colchester, .....	9	7	8	142 72	225 16	363	404
Davenport, .....	14	13	7	205 50	250 19	765	589
Delhi, .....	14	13	7	226 06	478 15	532	596
Franklin, .....	22	20	7	295 60	702 22	983	846
Hamden, .....	9	9	7	115 66	303 00	457	381
Hancock, .....	7	4	5	80 32	47 64	161	136
Harpersfield, .....	13	13	7	241 62	587 62	660	580
Kortright, .....	20	19	7	342 22	439 65	960	843
Masonville, .....	12	12	7	105 24	331 60	450	395
Meredith, .....	14	14	6	189 12	.....	684	532
Middletown, .....	15	14	6	261 65	69 01	763	861
Roxbury, .....	20	17	9	364 12	573 25	1019	921
Sidney, .....	9	9	7	140 68	348 04	446	433
Stamford, .....	12	10	8	197 36	526 06	730	635
Tompkins, .....	16	16	6	227 22	181 52	599	519
Walton, .....	12	11	8	241 78	406 84	502	414
	239	222	7	3754 96	5809 6	11136	10101

## DUTCHESS COUNTY.

Amenia, .....	12	11	9	268 10	821 11	598	565
Beekman, .....	8	8	10	177 33	663 29	388	389
Clinton, .....	9	9	9	255 98	438 08	403	485
Dover, .....	13	13	9	270 98	682 09	577	603
Fishkill, .....	28	25	11	861 12	3400 33	1620	2208
La Grange, .....	11	11	8	272 76	900 48	499	572
Hyde-Park, .....	9	9	9	298 80	.....	452	684
Milan, .....	12	11	8	218 86	534 52	593	533
North-East, .....	11	11	8	197 50	806 45	564	465
Pawlings, .....	8	8	9	209 22	437 67	394	380
Pine Plains, .....	8	7	9	175 84	642 03	374	370
Pleasant-Valley, ...	11	11	9	310 06	677 62	539	641
Poughkeepsie, .....	10	9	8	734 32	738 65	531	1622
Red-Hook, .....	13	13	8	340 18	706 64	407	849

## DUTCHESS COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Rhinebeck, .....	13	12	10	338 40	1351 53	524	820
Stanford, .....	13	13	9	394 74	910 05	779	656
Union-Vale, .....	8	8	9	198 14	606 37	615	695
Washington, .....	12	12	10	345 94	585 55	591	711
	209	201	9	5868 27	14902 46	10448	13248

## ERIE COUNTY.

Alden, .....	7	7	6	147 18	189 34	443	353
Amherst, .....	8	7	7	161 74	248 68	350	419
Aurora, .....	14	14	8	213 68	604 67	987	795
Buffalo, .....	13	7	10	636 12	661 64	762	1510
Boston, .....	8	8	7	183 05	230 37	445	406
Clarence, .....	14	14	8	457 50	516 73	1197	1032
Colden, .....	6	5	7	63 46	118 26	135	124
Concord, .....	15	12	7	180 66	370 64	664	562
Collins, ...	19	17	6	201 60	323 39	862	706
Eden, .....	7	6	6	152 99	159 99	403	404
Erie, .....	14	14	7	225 06	352 54	679	624
Evans, .....	10	10	6	142 63	316 69	539	450
Hamburgh, .....	23	22	7	493 83	689 95	1264	1178
Holland, .....	6	6	6	122 33	218 89	362	313
Sardinia, .....	12	12	6	176 42	160 46	581	398
Wales, .....	11	11	7	219 54	283 11	650	531
	187	172	7	3777 84	5494 85	10343	9822

## ESSEX COUNTY.

Chesterfield, .....	10	10	8	143 35	463 37	447	419
Crownpoint, .....	13	13	6	196 43	313 19	785	668
Essex, .....	9	9	7	159 68	.....	514	477
Elizabethtown, ....	7	5	7	127 94	.....	361	308
Jay, .....	8	8	7	146 98	385 73	607	484
Keene, .....	6	6	5	87 48	119 05	313	243
Lewis, .....	13	12	6	137 32	392 17	465	357
Minerva, .....	5	3	9	19 68	63 94	129	90
Meriah, .....	10	9	6	154 76	299 83	557	474
Newcomb, .....	1	1	3	6 54	3 21	22	21
Schroon, .....	13	13	6	147 24	209 42	447	426
Ticonderoga, .....	14	14	6	226 78	365 72	706	693
Westport, .....	16	14	6	163 06	279 94	529	448

## ESSEX COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 10.
Willsborough, .....	11	9	6	144 26	322 37	453	421
Wilmington, .....	5	5	6	78 81	174 23	258	236
	141	131	6	1940 31	3392 17	6593	5765

## FRANKLIN COUNTY.

Bangor, .....	6	6	6	89 93	119 60	357	303
Brandon, .....	3	3	7	22 50	63 61	77	70
Chateaugay, .....	15	12	6	171 24	249 87	432	494
Constable, .....	4	4	7	63 48	90 00	196	189
Dickinson, .....	4	3	7	43 38	112 00	177	184
Duane, .....	1	1	4	17 72	20 78	59	76
Fort-Covington, ....	17	14	6	264 28	412 62	685	748
Malone, .....	13	12	7	187 82	634 21	690	588
Moir, .....	5	5	5	67 82	121 04	233	208
Westville, .....	6	6	6	62 22	58 23	195	227
	74	66	6	990 39	1881 96	3101	3087

## GENESEE COUNTY.

Alabama, .....	11	4	6	95 55	149 06	220	200
Alexander, .....	13	13	7	233 02	.....	788	704
Attica, .....	13	12	8	235 35	672 81	892	770
Batavia, .....	29	17	8	412 07	873 21	1100	1243
Bethany, .....	14	14	7	293 20	722 41	878	757
Bergen, .....	9	9	8	165 18	486 09	540	467
Bennington, .....	18	14	6	179 18	443 92	682	607
Byron, .....	11	11	8	211 72	674 60	759	596
Castile, .....	14	14	7	244 43	459 46	764	697
China, .....	15	15	6	181 77	444 37	835	710
Covington, .....	18	18	8	319 23	1066 77	967	873
Elba, .....	14	14	7	216 90	715 37	879	832
Gainesville, .....	13	12	7	181 95	502 92	742	671
Le Roy, .....	18	18	9	306 06	1272 27	1249	1144
Middlebury, .....	14	14	8	256 80	539 26	871	753
Orangeville, .....	11	11	8	148 82	477 61	567	510
Pembroke, .....	26	24	6	371 46	823 45	1378	1192
Perry, .....	13	13	9	294 95	679 96	993	855
Stafford, .....	13	12	8	457 81	1004 81	912	777
Sheldon, .....	10	10	7	153 62	328 72	666	561
Warsaw, .....	14	12	8	365 59	694 70	937	808
Wethersfield, .....	7	7	8	103 33	227 54	360	348
	318	288	8	5427 99	13269 31	17969	16075

## GREENE COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 14.
Athens, .....	6	6	7	252 09	372 69	290	633
Cairo, .....	16	16	9	358 71	915 76	844	807
Catskill, .....	14	14	9	505 42	765 84	815	1302
Coxsackie, .....	10	10	9	374 64	1058 39	716	863
Durham, .....	19	19	8	402 19	633 12	998	901
Hunter, .....	14	13	8	272 28	486 48	598	528
Greenville, .....	13	13	9	297 44	.....	835	792
Lexington, .....	23	16	9	412 20	383 44	703	712
New-Baltimore, ...	14	14	9	268 20	805 55	690	692
Windham, .....	20	19	8	311 34	628 85	1071	931
	149	140	9	3454 51	6050 12	7560	8161

## HERKIMER COUNTY.

Columbia, .....	13	13	8	269 72	610 57	656	663
Danube, .....	9	9	9	224 00	546 40	630	505
Fairfield, .....	15	15	7	313 66	174 49	709	657
Frankfort, .....	13	13	9	265 68	545 25	850	820
Germanflatts, .....	12	12	8	282 36	579 21	708	758
Herkimer, .....	12	12	9	277 15	704 53	707	729
Litchfield, .....	10	10	9	210 46	548 19	555	483
Little-Falls, .....	8	8	10	254 58	557 85	692	704
Manheim, .....	10	10	9	227 87	273 88	514	632
Newport, .....	11	9	7	224 06	709 98	605	560
Norway, .....	9	8	6	144 54	245 61	417	328
Russia, .....	14	14	7	334 49	449 07	876	739
Salisbury, .....	12	12	7	220 12	512 58	783	581
Schuyler, .....	10	10	9	359 24	421 74	655	705
Starks, .....	8	8	10	194 10	193 11	566	555
Warren, .....	11	11	8	257 45	431 01	643	600
West-Brunswick, ...	5	5	5	96 86	59 17	206	191
Winfield, .....	8	8	9	202 54	604 06	669	478
	190	187	8	4358 88	8166 70	11436	10688

## JEFFERSON COUNTY.

Adams, .....	13	13	8	300 39	476 61	1010	914
Antwerp, .....	9	16	8	295 75	404 24	745	624
Alexandria, .....	10	19	6	191 92	219 32	424	350
Brownville, .....	16	16	7	320 92	761 02	996	993
Champion, .....	13	12	7	250 26	408 50	770	725
Ellisburgh, .....	31	27	7	587 92	899 75	1947	1734

## JEFFERSON COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 8 and 16.
Henderson, .....	14	14	7	257 98	759 74	846	778
Hounsfield, .....	12	12	9	344 42	1078 87	830	879
Le Ray, .....	17	17	8	317 92	632 72	1011	1085
Lorraine, .....	12	12	6	174 15	287 18	654	564
Lyme, .....	17	13	7	317 93	.....	624	700
Orleans, .....	20	20	7	433 18	630 82	1014	884
Pamelia, .....	12	12	7	255 10	390 82	790	738
Philadelphia, .....	8	7	7	102 74	385 76	367	310
Rodman, .....	13	13	7	212 68	445 08	721	593
Rutland, .....	15	15	7	261 44	513 93	876	708
Watertown, .....	18	15	9	426 00	1039 40	1109	1341
Wilna, .....	14	12	7	140 06	.....	469	464
	274	255	7	5190 76	9333 76	15203	14384

## KINGS COUNTY.

Brooklyn, .....	6	5	12	1335 14	.....	632	3374
Bushwick, .....	4	3	12	118 50	850 50	169	391
Flatbush, .....	2	2	12	129 80	.....	70	337
Flatlands, .....	2	2	12	60 74	480 00	60	136
Gravesend, .....	2	2	12	49 99	.....	66	122
New-Utrecht, .....	3	3	12	121 50	979 80	173	284
	19	17	12	1815 67	2310 30	1170	4644

## LEWIS COUNTY.

Brantingham, .....	6	6	6	39 57	20 00	205	216
Denmark, .....	12	12	7	246 10	454 21	708	680
Diana, .....	4	4	8	7 43	30 02	13	11
Lowville, .....	12	12	7	260 70	712 78	714	691
Harrisburgh, .....	6	6	7	133 35	49 85	132	251
Leyden, .....	10	10	8	171 51	314 21	489	417
Martinsburgh, .....	15	15	7	241 26	646 88	815	756
Pinckney, .....	6	6	7	123 24	146 95	354	266
Turin, .....	20	20	8	395 46	780 90	928	945
Watson, .....	8	5	6	69 90	102 81	175	206
West-Turin,* .....	...	...	...	.....	.....	.....	.....
	99	96	7	1688 52	3258 41	4583	4446

\* Included in Turin.

## LIVINGSTON COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Avon, .....	13	13	10	232 92	.....	754	768
Caledonia, .....	10	10	9	180 49	871 04	456	492
Conesus, .....	10	9	6	166 96	317 59	558	498
Geneseo, .....	10	10	9	407 31	685 27	780	768
Groveland, .....	10	9	7	286 90	275 65	484	425
Leicester, .....	13	13	8	407 59	285 73	802	683
Lima, .....	9	8	8	218 54	499 07	504	500
Livonia, .....	14	14	9	297 57	984 90	1009	847
Mount-Morris, ....	14	14	8	386 27	718 65	879	754
Sparta, .....	19	19	7	607 98	861 02	1200	1216
Springwater, .....	15	14	7	203 57	388 02	806	740
York, .....	15	15	8	402 53	791 55	898	824
	152	148	8	3848 68	6778 49	9130	8449

## MADISON COUNTY.

Bronokfield, .....	27	27	7	728 32	472 64	1618	1307
Cazenovia, .....	21	20	8	479 20	856 92	1185	1198
De Ruyter, .....	7	7	7	180 52	252 42	590	524
Eaton, .....	20	19	7	484 03	484 92	1135	1029
Fenner, .....	10	11	8	314 16	606 36	772	673
Georgetown, .....	9	9	7	244 25	76 16	425	365
Hamilton, .....	16	16	9	432 66	621 63	986	832
Lebanon, .....	13	13	7	305 76	445 66	899	672
Madison, .....	18	18	8	430 89	457 36	890	728
Nelson, .....	14	14	8	408 25	436 30	889	740
Smithfield, .....	12	12	8	315 86	513 20	922	811
Sullivan, .....	20	19	7	387 24	1182 96	1162	1186
Lenox, .....	23	21	9	570 24	1200 37	1500	1454
	210	206	8	5281 38	7606 90	12973	11519

## MONROE COUNTY.

Brighton, .....	13	13	8	538 55	.....	1714	1772
Chili, .....	14	13	8	224 93	755 99	825	666
Clarkson, .....	15	15	7	322 56	798 06	1212	993
Gates, .....	12	12	8	515 95	1039 31	1022	1687
Greece, .....	11	11	7	190 44	483 94	593	635
Henrietta, .....	14	14	8	264 06	711 62	782	744
Mendon, .....	16	16	9	341 84	888 32	1116	990
Ogden, .....	15	15	9	236 60	700 36	841	691
Parma, .....	14	14	8	235 14	647 51	986	844



## MONROE COUNTY (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Penfield, .....	22	20	8	506 84	1491 18	1615	1463
Perrinton, .....	13	13	8	267 63	933 60	879	741
Pittsford, .....	9	9	8	216 44	647 34	638	558
Riga, .....	14	12	7	214 87	676 34	663	524
Rush, .....	11	11	8	237 38	454 17	678	672
Sweden, .....	13	13	8	286 49	575 38	1121	851
Wheatland, .....	9	8	10	212 74	676 78	583	550
	215	209	8	4812 42	11479 85	15268	14381

## MONTGOMERY COUNTY.

Amsterdam, .....	19	18	9	388 62	1115 36	942	1127
Broadalbin, .....	13	12	8	288 90	425 66	789	741
Canajoharie, .....	15	15	10	453 34	1154 88	1014	1262
Charlestown, .....	9	9	8	258 28	410 34	638	616
Ephratah, .....	9	9	8	217 61	495 68	359	602
Florida, .....	12	12	7	332 40	634 29	761	804
Glen, ....	9	9	9	243 38	145 44	575	735
Hope, .....	7	7	5	86 10	.....	344	335
Johnstown, .....	32	32	9	915 41	1927 03	1886	2487
Lake-Pleasant, ....	4	4	4	29 61	20 26	62	80
Mayfield, .....	15	15	7	299 28	742 56	782	734
Minden, .....	10	10	9	252 10	433 54	607	830
Northampton, .....	11	10	7	165 26	392 12	444	364
Oppenheim, .....	17	17	7	374 25	564 11	855	1109
Palatine, .....	12	10	10	279 52	749 60	545	798
Root, .....	11	11	10	347 16	779 04	733	824
Stratford, .....	5	5	5	54 27	98 35	173	182
Wells, .....	3	2	5	67 74	.....	102	111
	213	207	8	5053 23	10088 26	11611	13741

## NEW-YORK COUNTY.

## NIAGARA COUNTY.

Cambria, .....	8	8	7	155 62	487 37	554	530
Hartland, .....	12	8	8	175 00	347 95	558	426
Lewiston, .....	7	7	6	155 09	.....	395	386
Lockport, .....	15	11	7	436 02	779 33	1208	1226
New-Fane, .....	12	9	5	113 56	319 12	370	415

## NIAGARA COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Niagara, .....	8	8	6	148 84	122 11	317	338
Pandleton, .....	8	6	5	137 20	77 01	141	131
Porter, .....	6	5	6	171 38	124 63	315	389
Royalton, .....	16	16	7	304 12	.....	1158	940
Somerset, .....	7	7	7	95 30	269 20	271	249
Wilson, .....	7	7	6	87 94	197 97	247	220
	106	92	7	1980 07	2724 69	5534	5250

## ONEIDA COUNTY.

Annsville, .....	11	11	6	43 62	229 80	407	445
Augusta, .....	16	16	9	360 16	1027 16	1365	923
Boonville, .....	19	15	6	256 24	230 10	748	796
Bridgewater, .....	11	10	8	188 66	.....	577	433
Camden, .....	12	10	7	197 72	285 81	597	498
Deerfield, .....	21	20	7	412 14	1135 72	1088	1316
Florence, .....	9	8	6	83 88	163 71	266	288
Floyd, .....	12	11	7	192 64	421 59	584	520
Kirkland, .....	16	15	7	335 20	662 88	792	670
Lee, .....	12	12	7	256 98	440 07	802	798
Marshall, .....	12	10	8	226 09	606 59	797	762
New-Hartford, ....	15	15	9	371 19	.....	989	981
Paris, .....	15	15	9	280 00	759 42	940	840
Remsen, .....	8	7	7	132 37	168 64	401	407
Rome, .....	19	19	8	424 86	.....	1211	1270
Sangerfield, .....	11	11	8	380 58	603 41	679	689
Steuben, .....	16	13	8	207 06	517 98	654	646
Trenton, .....	16	16	7	276 28	865 99	992	838
Utica, .....	1	1	12	723 56	.....	238	1749
Vernon, .....	16	16	8	347 28	.....	967	903
Verona, .....	23	18	7	351 00	400 31	1146	1052
Vienna, .....	12	12	7	183 16	304 29	561	546
Western, .....	16	16	8	270 96	538 68	902	766
Westmoreland, ....	14	14	9	404 32	830 63	1184	983
Whitestown, .....	10	10	9	371 34	802 62	844	1144
	343	321	8	7277 29	11000 55	19731	20265

## ONONDAGA COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Camillus, .....	13	13	8	251 46	588 37	1053	1044
Cicero, .....	9	9	7	202 25	319 64	542	455
Clay, .....	12	10	7	350 89	228 16	578	578
Elbridge, .....	15	13	8	366 65	760 21	1265	988
Fabius, .....	18	17	8	425 04	376 78	1125	966
Lysander, .....	15	15	7	418 91	471 51	968	946
Manlius, .....	29	29	9	1839 70	750 09	2184	2206
Marcellus, .....	11	10	9	597 24	474 52	800	789
Onondaga, .....	33	29	8	761 31	.....	1563	1650
Otisco, .....	10	10	8	381 92	345 59	703	584
Pompey, .....	26	26	8	956 25	930 65	1570	1388
Skaneateles, .....	35	32	9	1518 88	599 02	1200	1985
Spafford, .....	15	15	8	254 08	293 71	574	567
Salina, .....	15	10	8	579 14	844 92	779	1437
Tully, .....	9	9	8	275 72	201 01	574	493
La Fayette, .....	12	12	9	544 04	392 26	802	794
Van Buren, .....	17	17	8	294 06	590 99	1084	959
	294	276	8	10017 54	8117 43	17364	17831

## ONTARIO COUNTY.

Bloemfield, .....	23	21	8	628 29	1036 19	1312	1118
Bristol, .....	22	19	7	334 46	640 25	1080	925
Canadice, .....	11	10	6	200 99	165 64	508	414
Canandaigua, .....	22	21	8	528 98	1253 22	1610	1522
Farmington, .....	13	12	8	220 56	607 73	685	580
Gorham, .....	17	17	9	367 86	937 57	1087	929
Hopewell, .....	10	10	9	265 64	864 88	790	752
Manchester, .....	14	13	8	327 56	653 33	973	857
Naples, .....	11	11	6	169 38	450 98	583	643
Phelps, .....	22	22	9	583 50	1959 42	1605	1498
Richmond, .....	27	20	7	471 75	772 05	1152	960
Seneca, .....	20	20	9	720 22	1779 26	1534	1937
Victor, .....	13	13	8	400 10	547 43	935	681
	225	209	8	5219 29	11717 95	13854	12816

## ORANGE COUNTY.

Blooming-Grove, ..	12	12	11	279 40	955 14	566	605
Calhoun, .....	6	6	11	180 28	629 14	525	447
Cornwall, .....	9	9	11	374 15	1082 65	543	786
Crawford, .....	12	11	12	249 68	1017 52	657	661
Deerpark, .....	6	6	7	119 16	285 21	320	296

## ORANGE COUNTY (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 10.
Goshen, .....	16	15	10	373 90	2338 98	975	947
Minisink, .....	30	25	10	582 76	2491 81	1661	1532
Montgomery, .....	15	15	9	459 28	1392 59	1039	1174
Monroe, .....	14	14	8	394 80	1025 17	691	1112
Newburgh, .....	13	12	10	364 54	.....	925	1734
New Windsor, .....	11	12	7	281 16	534 41	457	695
Walkill, .....	20	20	10	535 48	1004 36	1319	1391
Warwick, .....	23	22	11	573 46	1037 86	1255	1399
Hamptonburgh,* .....	...	...	...	.....	.....	.....	.....
	192	179	9	4768 05	13794 84	10943	12762

## ORLEANS COUNTY.

Barre, .....	27	25	8	680 89	1248 33	1536	1392
Carlton, .....	11	9	5	87 28	263 24	366	350
Clarendon, .....	14	13	7	235 28	411 70	783	668
Gaines, .....	10	10	8	197 84	680 16	647	546
Murray, .....	17	17	8	270 91	820 09	1029	860
Ridgeway, .....	12	11	9	242 29	611 50	795	609
Shelby, .....	12	12	9	199 91	698 24	783	714
Yates, .....	10	9	6	131 72	286 62	402	356
	113	106	8	2046 12	5019 88	6341	5495

## OSWEGO COUNTY.

Albion, .....	5	4	6	45 90	88 41	141	151
Amboy,† .....	...	...	...	.....	.....	.....	.....
Boylston, .....	3	3	6	41 68	86 47	193	147
Constantia, .....	11	5	6	60 00	30 58	209	181
Granby, .....	13	12	7	224 02	253 09	523	419
Hannibal, .....	12	10	7	290 25	235 66	626	587
Hastings, .....	10	8	7	107 64	265 62	411	432
Mexico, .....	13	14	7	231 34	554 61	938	816
New-Haven, .....	9	9	7	150 70	229 19	559	509
Orwell, .....	5	4	6	49 99	102 52	159	136
Oswego, .....	11	8	6	144 24	456 88	478	579
Parish, .....	7	6	7	66 60	115 23	246	250
Redfield, .....	3	3	4	36 50	41 20	110	94
Richland, .....	17	18	7	246 10	829 15	982	866

\*Included in Goshen, Blooming-Grove and Montgomery.

†Included in Williamstown.

## OSWEGO COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Sandy-Creek, . . . . .	11	11	7	199 82	420 78	960	778
Scriba, . . . . .	13	10	6	132 52	373 02	584	554
Volney, . . . . .	27	25	6	293 48	654 47	1259	1168
Williamstown, . . . . .	12	12	6	121 98	245 00	375	397
	190	162	6	2442 76	4981 88	8753	8064

## OTSEGO COUNTY.

Burlington, . . . . .	14	15	8	282 22	412 25	1023	896
Butternuts, . . . . .	26	26	8	466 00	859 34	1338	1249
Cherry-Valley, . . . . .	23	23	7	479 32	964 63	1475	1355
Decatur, . . . . .	7	7	8	131 28	132 08	330	361
Edmeston, . . . . .	15	15	7	481 94	348 74	708	594
Exeter, . . . . .	10	9	7	196 47	358 13	534	460
Hartwick, . . . . .	16	16	7	324 76	724 71	901	839
Otego, . . . . .	9	7	7	127 54	268 05	331	290
Laurens, . . . . .	16	15	7	265 74	500 31	796	690
Maryland, . . . . .	13	13	7	216 79	411 94	692	609
Middlefield, . . . . .	21	20	8	350 38	490 72	969	987
Milford, . . . . .	17	17	8	351 64	631 11	976	960
New-Lisbon, . . . . .	13	13	7	257 96	437 19	822	680
Oneonta, . . . . .	11	11	8	189 88	279 32	613	545
Otsego, . . . . .	19	19	8	484 66	647 09	1449	1246
Pittsfield, . . . . .	8	9	6	112 36	96 14	304	277
Plainfield, . . . . .	10	10	8	202 42	386 76	621	505
Richfield, . . . . .	11	11	8	234 56	489 04	663	532
Springfield, . . . . .	14	14	9	318 21	707 39	961	851
Unadilla, . . . . .	16	16	8	235 70	641 37	746	691
Westford, . . . . .	8	8	8	188 77	278 41	545	516
Worcester, . . . . .	16	14	7	273 44	296 02	776	685
	313	308	8	6172 04	10560 75	17573	15616

## PUTNAM COUNTY.

Carmel, . . . . .	13	12	8	271 20	453 12	562	694
Kent, . . . . .	11	11	7	221 92	353 54	462	586
Patterson, . . . . .	11	11	9	194 50	391 72	498	462
Philipstown, . . . . .	21	20	7	546 62	964 70	923	1507
Southeast, . . . . .	13	12	9	233 86	999 60	602	578
	69	66	8	1468 10	3162 68	3047	3821

## QUEENS COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 25.
Flushing, .....	8	7	10	292 91	828 42	321	706
Hempstead, .....	18	18	10	669 10	.....	1160	1823
Jamaica, .....	8	8	10	303 15	531 00	343	766
Newtown, .....	8	8	11	313 12	.....	284	455
North-Hempstead, ..	10	9	10	357 17	110 85	337	775
Oyster Bay, .....	23	18	11	632 44	1751 52	1041	1554
	75	68	10	2587 89	3221 79	3466	6017

## RENSSELAER COUNTY.

Berlin, .....	9	9	7	244 85	268 24	616	536
Brunswick, .....	14	14	9	305 07	922 78	703	801
Greenbush, .....	11	11	9	358 67	672 51	703	1004
Grafton, .....	9	8	6	196 13	131 87	552	503
Hoosick, .....	20	19	7	437 36	798 62	1650	1452
Laussingburgh, .....	4	4	10	298 28	354 63	341	705
Nassau, .....	15	15	9	361 31	540 98	1051	933
Petersburgh, .....	16	16	5	258 51	318 21	732	579
Pittstown, .....	17	17	9	441 17	1113 18	1327	1096
Sand-Lake, .....	20	20	7	421 35	802 40	1202	1142
Schaghticoke, .....	14	13	9	359 98	991 90	699	907
Schodack, .....	19	16	10	431 61	1151 41	860	991
Stephentown, .....	17	17	8	332 79	465 47	958	984
Troy, .....	4	4	9	967 50	967 50	860	2522
	189	182	8	5414 58	9619 70	12254	14155

## RICHMOND COUNTY.

Castletown, .....	6	6	12	204 45	.....	502	745
Northfield, .....	6	6	11	226 94	1214 37	323	675
Westfield, .....	4	4	11	186 78	689 17	121	501
Southfield, .....	2	2	12	36 96	.....	110	101
	18	18	12	655 13	1912 54	1056	2020

## ROCKLAND COUNTY.

Clarkstown, .....	9	8	11	255 49	503 51	461	551
Haverstraw, .....	7	5	9	249 46	82 78	265	595
Ramapo, .....	10	10	10	292 92	754 16	598	719
Grangetown, .....	9	9	12	189 15	1188 93	866	491
	35	32	11	987 02	2529 38	1655	2549

## SARATOGA COUNTY.

Town and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 a. d 16
Ballston, .....	13	13	9	229 14	738 80	747	605
Charlton, .....	9	9	9	236 56	.....	569	568
Clifton Park, .....	14	14	9	296 56	688 47	852	766
Cerinth, .....	10	9	7	165 92	218 49	470	406
Concord, .....	5	4	6	97 74	74 04	264	221
Edinburgh, .....	12	12	6	235 26	257 18	540	482
Galway, .....	17	16	7	309 94	851 69	767	772
Greenfield, .....	22	22	8	408 02	.....	987	936
Hadley, .....	6	5	6	116 68	142 41	268	250
Halfmoon, .....	9	9	8	227 04	531 36	565	629
Malta, .....	8	8	8	187 80	482 29	526	459
Milton, .....	13	13	9	344 25	1049 13	831	840
Moreau, .....	9	9	8	199 56	409 25	542	528
Northumberland, ..	10	8	8	128 92	486 07	421	419
Providence, .....	10	10	7	197 26	135 77	517	505
Saratoga, .....	11	11	8	248 84	752 74	652	610
Saratoga Springs, ..	9	9	7	254 12	470 68	650	598
Stillwater, .....	13	13	8	315 74	508 82	682	719
Waterford, .....	2	2	11	164 08	480 00	241	377
Wilton, .....	5	5	9	172 25	255 29	460	486
	207	201	7	4535 68	8532 57	11551	11194

## SCHENECTADY COUNTY.

Duanesburgh, .....	19	19	8	418 70	797 42	1235	1127
Glenville, .....	11	11	9	293 60	420 05	756	853
Niskayuna, .....	4	4	10	62 60	209 81	235	132
Princetown, .....	6	6	9	146 36	269 50	286	301
Rotterdam, .....	10	10	7	185 96	188 81	280	478
Schenectady City, ..	3	3	8	88 51	102 92	139	253
	53	53	9	1195 73	1988 51	2931	3144
Lancaster School, ..	1	1	12	411 49	.....	360	.....
	54	54	9	1607 22	.....	3291	.....

## SCHOHARIE COUNTY.

Blenheim, .....	11	11	7	231 32	460 36	614	639
Brigome, .....	22	18	9	240 66	798 41	1336	1080
Carlisle, .....	10	10	9	204 51	354 20	453	584
Cobleskill, .....	13	13	9	340 41	719 04	974	896
Elton, .....	11	11	7	218 25	235 23	417	502

## SCHOHARIE COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Jefferson, .....	13	13	7	206 00	.....	625	589
Middleburgh, .....	14	13	8	338 70	356 89	614	839
Schoharie, .....	22	22	8	553 81	1303 10	1161	1492
Sharon, .....	23	20	10	518 80	851 36	1151	1360
Summit, .....	12	12	7	196 98	221 82	874	552
	151	143	8	3049 44	5300 41	8219	8477

## SENECA COUNTY.

Covert, .....	13	12	11	525 98	487 71	674	588
Fayette, .....	14	14	9	589 58	787 21	981	1090
Junius, .....	9	8	9	257 04	209 41	552	529
Lodi, .....	8	8	8	613 59	433 07	621	587
Ovid, .....	12	12	10	729 49	925 32	820	861
Romulus, .....	21	21	8	792 08	714 82	1366	1368
Seneca-Falls, .....	10	10	7	235 80	352 82	632	753
Tyre, .....	8	8	7	261 18	.....	722	516
Varick,* .....	.....	.....	.....	.....	.....	.....	.....
Waterloo, .....	9	6	10	283 05	545 52	335	474
	103	99	8	4287 79	4455 88	6703	6766

## ST. LAWRENCE COUNTY.

Brasher, .....	6	4	5	74 40	59 79	152	207
Canton, .....	15	15	7	410 55	571 39	360	749
De Kalb, .....	9	8	7	147 52	258 85	365	355
Depau,† .....	.....	.....	.....	.....	.....	.....	.....
De Peyster, .....	7	7	6	145 69	117 44	357	237
Edwards, .....	9	7	6	110 22	158 40	228	257
Fowler, .....	11	11	7	133 28	331 12	519	417
Gouverneur, .....	11	9	8	308 49	437 32	550	475
Hammond, .....	6	5	5	98 00	79 15	234	197
Hopkinton, .....	7	7	7	134 37	160 12	351	250
Lawrence, .....	8	6	6	.....	133 50	227	202
Lisbon, .....	12	10	6	182 36	172 09	475	491
Louisville, .....	8	8	6	168 14	96 52	269	311
Madrid, .....	23	23	6	389 47	865 12	952	1036
Massena, .....	11	10	8	210 46	545 11	570	642
Morristown, .....	11	10	7	211 53	270 82	388	406
Norfolk, .....	7	6	8	155 88	317 35	436	357

\* Included in Romulus.

† Included in Edwards and De Kalb.



## ST. LAWRENCE COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Oswegatchie, .....	15	15	6	581 46	428 53	1050	1687
Parishville, .....	12	12	7	118 75	280 75	594	446
Pierrepont, .....	7	7	7	109 54	149 16	275	247
Potsdam, .....	26	26	7	622 26	550 70	1303	1135
Rossie, .....	6	4	6	64 40	153 47	163	166
Russell, .....	10	10	6	65 22	176 71	260	211
Stockholm, .....	18	15	6	277 16	267 72	627	483
	255	235	6	4719 15	6581 18	11205	10368

## STEUBEN COUNTY.

Addison, .....	8	6	4	100 96	76 61	215	189
Bath, .....	18	18	6	299 66	871 65	1010	963
Cameron, .....	7	7	5	67 83	344 00	350	279
Canisteo, .....	11	7	5	21 71	168 59	213	178
Cohocton, .....	18	17	7	262 73	499 94	957	800
Dansville, .....	10	10	7	276 36	127 12	600	523
Erwin, .....	4	3	5	85 70	44 84	159	198
Greenwood, .....	10	6	6	62 07	164 38	252	199
Hornby, .....	12	11	5	207 75	324 69	570	474
Hornellsville, .....	11	9	6	71 77	186 47	375	337
Howard, .....	14	14	6	316 05	262 08	817	756
Jasper, .....	6	5	6	24 20	114 97	234	194
Jersey, .....	14	14	7	220 24	401 68	702	759
Painted Post, .....	5	4	8	103 18	229 05	339	262
Prattsburgh, .....	15	15	7	230 75	335 33	692	714
Pultney, .....	9	9	7	185 72	110 68	652	522
Reading, .....	9	8	7	159 48	224 78	581	517
Troupsburgh, .....	9	7	6	31 84	153 01	242	219
Tyrone, .....	11	11	7	204 52	.....	668	681
Urbana, .....	11	9	7	119 52	299 26	407	395
Wayne, .....	6	6	7	107 04	195 38	446	383
Wheeler, .....	10	9	7	154 50	248 59	399	412
Woodhull, .....	4	4	4	56 61	73 95	166	149
	232	209	6	3370 19	5457 00	11046	10593

## SUFFOLK COUNTY.

Brookhaven, .....	32	31	9	663 98	1673 86	1748	1797
East-Hampton, ....	7	7	9	191 54	369 84	353	381
Huntington, .....	24	23	9	558 22	1721 88	1406	1593
Islip, .....	6	6	10	166 30	590 46	399	440

## SUFFOLK COUNTY, (CONTINUED.)

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Riverhead,.....	12	12	9	223 58	681 18	557	578
Shelter-Island,.....	1	1	7	42 42	55 45	100	100
Smithtown,.....	12	10	9	206 47	837 75	461	438
Southampton, .....	19	19	8	561 50	935 70	968	1117
Southold,.....	13	13	9	302 72	782 71	925	778
	126	121	9	2916 88	7658 83	6917	7216

## SULLIVAN COUNTY.

Bethel,.....	7	7	7	174 60	66 26	334	335
Cochecton, .....	7	5	4	74 68	76 00	131	147
Fallsburgh, .....	10	10	6	147 14	295 01	383	404
Liberty,.....	7	7	6	180 00	209 83	377	309
Lumberland, .....	7	6	6	137 74	2 20	174	201
Mamakating, .....	16	11	8	367 28	694 58	708	880
Nevisink,.....	10	10	5	169 24	184 54	392	425
Rockland,.....	9	9	5	107 27	113 06	208	184
Thompson,.....	13	13	7	403 59	420 18	629	690
	86	78	6	1761 54	2061 66	3336	3575

## TIOGA COUNTY.

Barton, .....	7	7	6	72 38	.....	233	255
Berkshire, .....	11	10	7	173 70	587 67	600	499
Bigflatts, .....	5	5	7	102 20	200 63	240	283
Cadlin,.....	16	9	7	156 70	183 09	440	417
Cayuta, .....	5	5	6	70 34	79 01	168	208
Candor, .....	19	17	6	250 04	632 92	938	805
Catharines, .....	10	10	7	171 18	276 95	584	606
Chemung, .....	12	10	6	142 28	421 48	432	402
Elmira,.....	11	11	6	236 92	6 50	602	731
Erin, .....	9	6	5	79 58	103 44	185	213
Newark,.....	6	6	8	98 83	318 82	293	276
Nichols, .....	7	7	6	117 47	316 43	389	395
Owego, .....	19	15	6	279 57	602 72	806	837
Southport,.....	7	7	8	137 82	361 44	410	441
Spencer, .....	9	8	7	122 16	259 20	410	378
Tioga, .....	7	6	8	121 30	.....	433	425
Veteran, .....	11	11	7	155 64	308 36	500	461
	171	150	7	2488 11	4658 66	7663	7632

## TOMPKINS COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Caroline, .....	13	11	7	262 56	433 18	962	713
Danby, .....	14	14	8	293 08	602 80	863	814
Dryden, .....	28	26	8	797 70	409 90	1734	1680
Enfield, .....	13	13	9	500 16	215 84	826	787
Ithaca, .....	14	13	8	966 63	496 92	1139	1361
Ulysses, .....	12	12	8	643 10	597 86	1090	1094
Groton, .....	19	19	8	447 80	720 06	1374	1146
Hector, .....	32	32	8	1352 80	999 13	1976	1737
Lansing, .....	22	22	8	1096 73	544 07	1573	1262
Newfield, .....	21	16	6	295 95	454 23	880	867
	188	178	8	6656 51	5473 94	12417	11461

## ULSTER COUNTY.

Esopus, .....	7	7	8	181 22	408 40	409	527
Hurley, .....	6	6	9	162 87	.....	237	378
Kingston, .....	10	8	9	340 42	369 46	523	876
Marbletown, .....	12	12	8	370 68	564 94	597	928
Marlborough, .....	13	13	8	307 70	740 74	691	730
New-Paltz, .....	20	19	10	529 76	1477 97	1079	1508
Olive, .....	7	7	7	200 45	125 14	364	506
Plattekill, .....	9	9	10	242 81	608 74	556	564
Rochester, .....	10	10	8	267 89	457 94	487	751
Saugerties, .....	12	12	11	349 67	451 52	785	990
Shandaken, .....	8	7	4	180 17	44 95	230	286
Shawangunk, .....	13	13	10	223 30	1100 80	805	1038
Warwarsing, .....	14	14	7	299 52	428 79	447	795
Woodstock, .....	7	6	8	166 52	220 09	294	436
	148	143	8	3822 98	6949 48	7509	10305

## WARREN COUNTY.

Athol, .....	10	10	5	99 98	153 31	278	309
Bolton, .....	14	11	6	148 17	226 98	472	426
Caldwell, .....	6	6	6	111 76	215 28	307	265
Chester, .....	12	12	5	151 36	247 59	479	353
Hague, .....	6	6	5	74 76	86 49	229	208
Johnsburgh, .....	8	8	5	115 30	92 99	297	297
Luzerne, .....	11	9	5	164 50	149 87	427	402
Queensbury, .....	16	16	8	340 50	710 44	956	780
Warrensburgh, ....	8	8	5	172 21	289 82	409	386
	91	86	6	1378 54	2172 77	3354	3426

## WASHINGTON COUNTY.

Towns and Counties.	Number of districts.	No. districts returned.	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 a d 16
Argyle, .....	19	19	8	407 75	480 63	1017	954
Cambridge, .....	12	12	8	267 62	775 29	702	614
Easton, .....	22	19	8	397 26	735 96	960	901
Dresden, .....	8	7	4	65 82	66 12	162	129
Fort-Ann, .....	22	19	7	373 66	641 75	1030	864
Fort-Edward, .....	8	8	7	203 16	218 88	520	502
Granville, .....	22	22	9	438 36	633 04	1383	1079
Greenwich, .....	14	14	9	387 76	695 96	1208	1038
Hampton, .....	8	8	8	116 30	289 00	394	340
Hartford, .....	17	17	7	314 18	542 10	849	759
Hebron, .....	22	22	9	334 68	635 35	925	814
Jackson, .....	11	10	9	334 58	587 86	551	478
Kingsbury, .....	13	13	9	291 88	549 37	820	736
Putnam, .....	7	7	6	95 04	132 49	313	246
White-Creek, .....	12	12	8	286 56	713 96	684	583
Whitehall, .....	16	15	7	314 26	466 64	879	800
Salem, .....	20	20	7	377 64	798 63	960	891
	253	244	8	4906 51	8954 06	13356	11728

## WAYNE COUNTY.

Arcadia, .....	21	21	8	428 29	.....	1424	1043
Butler, .....	10	10	6	135 30	414 57	512	506
Galen, .....	20	19	7	471 20	791 58	1260	1194
Lyons, ....	12	12	10	397 82	1016 81	1441	1704
Macedon, .....	14	14	8	233 78	692 87	734	656
Marion, .....	11	10	7	202 56	.....	954	851
Ontario, .....	11	9	8	336 33	419 51	643	457
Palmyra, .....	16	16	7	321 68	715 77	1085	896
Port-Bay, .....	9	7	6	82 90	240 63	450	489
Rose, .....	7	7	7	150 24	161 81	505	543
Savannah, .....	5	5	6	130 00	119 31	214	279
Sodus, .....	19	19	7	307 28	506 55	1133	1179
Williamson, .....	6	7	8	185 15	485 16	423	564
Wolcott, .....	6	6	7	109 63	269 01	409	387
Walworth, .....	11	7	7	336 33	545 93	783	683
	178	169	7	3826 49	6679 51	11970	11431

## WESTCHESTER COUNTY.

Towns and Counties.	Number of districts.	No. districts returned	Average No. months.	Public money.	Amount paid teachers.	No. children taught.	No. between 5 and 16.
Bedford, .....	13	13	9	310 28	663 19	591	784
Cortland, .....	11	11	8	418 33	523 16	647	964
Eastchester, .....	4	4	10	109 18	381 20	182	264
Greenburgh, .....	10	10	6	288 19	486 35	406	453
Harrison, .....	5	5	10	128 00	.....	156	261
Mamaroneck, .....	4	4	6	137 60	210 00	153	255
Mount-Pleasant, ...	12	12	10	460 18	.....	665	1019
New-Rochelle, ....	2	2	11	146 52	.....	161	326
New-Castle, .....	7	7	9	208 50	217 55	256	310
North-Castle, .....	9	9	7	194 14	393 06	302	421
North-Salem, .....	8	8	8	157 97	314 00	373	348
Pelham, .....	4	4	3	.....	.....	25	56
Poundridge, .....	8	8	8	177 86	251 66	471	413
Rye, .....	5	5	11	175 01	531 16	275	425
Scarsdale, .....	1	1	9	19 19	69 62	36	73
Somers, .....	10	10	8	258 81	.....	465	615
South-Salem, .....	8	8	9	186 02	370 36	357	345
Westchester, .....	4	4	12	267 90	1246 87	428	635
White-Plains, .....	4	4	10	78 84	.....	102	182
Yonkers, .....	5	5	10	201 21	841 78	287	441
Yorktown, .....	7	7	9	252 95	.....	395	502
	141	141	9	4176 68	6499 96	6730	9092

## YATES COUNTY.

Barrington, .....	13	11	7	259 13	253 31	652	631
Benton, .....	16	16	8	458 98	957 20	1093	1206
Italy, .....	8	6	7	134 94	124 13	473	328
Jerusalem, .....	14	14	6	379 00	442 93	825	828
Middlesex, .....	20	20	7	388 65	583 75	1196	1147
Milo, .....	19	19	8	403 76	860 19	929	1084
Starkey, .....	12	11	8	263 35	540 39	699	669
	102	97	7	2287 81	3761 90	5867	5893

There are in the state fifty-five organized counties, five cities containing twenty-nine wards, and seven hundred and fifty-six towns. Total towns and wards, 785.

(B.)  
**Summary of the preceding Abstract, made from the returns of Common Schools, in the year 1830.**

<i>Counties.</i>	Number of towns and wards in each county.	Whole No. of school districts in the towns which have made returns.	Whole No. of school districts which have made reports.	Average No. of months in which schools have been taught in the county.	Amount of public money received in the districts, (as stated in the returns,) during the year.	Amount paid for teachers' wages, besides public money.	No. of children taught in those school districts which have made reports.	No. of children between the ages of 5 and 16 years, residing therein, as stated in said returns.
Albany,.....	13	151	151	9	\$3280 83	\$6367 67	8890	13618
Allegany,.....	26	200	189	6	2258 25	5123 17	8270	7787
Broome,.....	8	125	112	7	2067 53	2657 98	5543	5923
Cattaraugus,.....	19	153	114	6	1375 49	2614 44	4832	4600
Cayuga,.....	19	244	242	8	7347 28	10685 96	15719	14774
Chautauque,.....	22	239	211	6	2724 03	7453 04	10980	9827
Chenango,.....	19	265	259	7	5947 75	5703 79	14171	11637
Clinton,.....	8	89	85	7	1802 79	4001 90	4863	5291
Columbia,.....	17	178	178	10	4432 01	11287 24	9314	10416
Cortland,.....	11	160	156	7	4072 78	4115 25	8757	7153
Delaware,.....	18	239	222	7	3754 96	5809 06	11136	10101
Dutchess,.....	18	203	201	9	5388 27	14902 46	10448	18248
Erie,.....	16	187	172	7	3777 84	5494 85	10343	9822
Essex,.....	15	141	131	6	1940 31	3392 17	6593	5765
Franklin,.....	10	74	66	6	990 39	1881 96	3101	3087
Genesee,.....	23	318	288	8	5427 93	13269 31	17969	16075

Counties	No. towns and wards	No. districts returned	No. districts reported	Average No. months	Public money	Amount paid teachers	No. children taught	No. between 5 and 16
Greene, .....	10	149	140	9	\$3454 51	\$6650 12	7560	8161
Herkimer, .....	18	190	187	8	4958 88	8166 70	11436	10688
Jefferson, .....	18	274	255	7	5190 76	9333 76	15303	14384
Kings, .....	6	19	17	12	1815 67	2310 30	1170	4644
Lewis, .....	11	99	96	7	1688 52	3258 41	4588	4448
Livingston, .....	12	152	148	8	3948 63	6678 49	9130	8449
Madison, .....	13	210	206	8	5281 38	7606 90	12973	11519
Monroe, .....	16	215	209	8	4812 42	11479 85	15268	14361
Montgomery, .....	18	213	207	8	5053 23	10088 26	11611	13741
New-York, .....	14	22	22	12	39069 46	1923 78	6321	.....
Niagara, .....	11	106	92	7	1980 07	2724 69	5634	5250
Oneida, .....	25	343	321	8	7277 29	11000 55	19731	20365
Onondaga, .....	17	294	276	8	10017 54	8117 43	17364	17331
Ontario, .....	13	225	209	8	5219 29	11717 95	13854	12816
Orange, .....	14	192	179	9	4768 05	13794 84	10943	12762
Orleans, .....	8	113	106	8	2046 12	5019 88	6341	5495
Oswego, .....	18	190	162	6	2442 76	4981 88	8753	8064
Otsego, .....	22	313	308	8	6172 04	10560 75	17573	15818
Fulton, .....	5	69	66	8	1468 10	3162 68	3047	3831
Queens, .....	6	75	68	10	2337 89	3221 79	3486	6017
Rensselaer, .....	19	189	182	8	5414 58	9519 70	12254	14155

Richmond, .....	4	18	18	12	\$655 13	\$1912 54	1056	2020
Rockland, .....	4	35	32	11	887 03	2529 38	1655	2349
Saratoga, .....	20	207	201	7	4535 68	8532 57	11551	11194
Schenectady, .....	7	54	54	9	1607 22	1988 51	3291	3144
Schoharie, .....	10	151	143	8	3049 44	5300 41	8219	8477
Seneca, .....	10	103	99	8	4287 79	4455 88	6703	6766
St. Lawrence, .....	24	255	235	6	4719 15	6581 18	11205	10368
Steuben, .....	23	132	209	6	3370 19	5457 00	11046	10593
Suffolk, .....	9	126	121	9	2916 88	7658 83	6917	7216
Sullivan, .....	9	86	78	6	1761 54	2061 66	3336	3575
Tioga, .....	17	171	150	7	2488 11	4658 66	7683	7632
Tompkins, .....	10	188	178	8	6656 51	5473 94	12417	11461
Ulster, .....	14	148	143	8	3822 96	6949 48	7509	10305
Warren, .....	9	91	86	6	1378 54	2172 77	3854	3426
Washington, .....	17	253	244	8	4906 51	8954 06	13356	11728
Wayne, .....	15	178	169	7	3828 49	6379 51	11970	11431
Westchester, .....	21	141	141	9	4176 68	6499 96	6730	9092
Yates, .....	7	102	97	7	2287 81	3761 90	5867	5893
	785	9063	8631	8	\$238641 36	\$346807 20	499424	497503





(C.)

# A comparative view of the Returns of Common Schools, from 1816, to 1831, inclusive.

The year in which the report was made to the legislature.	Number of towns from which the returns were made.	Whole No. of school districts in the said town.	Number of school districts from which returns were received.	Amount of public money received in the said towns.	Amount paid for teachers' wages in the said towns, over and above public money.	Number of children taught in the school districts making returns.	No. of children between 5 and 15 years of age residing in those districts.	Proportion of the No. of children taught, to the No. of children reported, between the ages of 5 and 15 years.
1816	336	2755	2631	\$55720 98	.....	140106	176449	4 to 15
1817	355	3713	2873	64834 88	.....	170386	198440	6 to 7
1818	374	3264	3228	73235 42	.....	183253	218969	5 to 6
1819	402	4614	3844	93010 54	.....	210316	235871	8 to 9
1820	515	5763	5118	117151 07	.....	271877	302703	9 to 10
1821	545	6332	5489	146418 08	.....	304559	317633	24 to 25
1822	611	6659	5832	157195 04	.....	332979	339258	42 to 43
1823	649	7051	6255	173420 60	.....	351173	357029	44 to 45
1824	656	7382	6705	182820 25	.....	377034	373208	94 to 95
1825	698	7642	6876	182741 61	.....	402940	383500	101 to 96
1826	700	7773	7117	182790 09	.....	425586	395586	100 to 93
1827	721	8114	7550	185720 46	.....	431601	411256	21 to 20
1828	742	8298	7806	222995 77	.....	441856	419216	96 to 91
1829	757	8609	8164	232343 21	.....	468205	449113	25 to 24
1830	773	8872	8292	214840 14	.....	480041	468257	41 to 40
1831	785	9063	8631	238641 36	\$297048 44	499424	497503	250 to 249

(D.)

**Common School Fund.***This fund consists of the following items:*

	Capital.	Estimated revenue for 1881.
Bonds and mortgages for lands sold, .	\$242,613 52	\$18,000 00
Bonds for loan from the capital to cer- tain counties, .....	16,800 00	1,300 00
Balance due on loan of 1786, .....	10,157 22	700 00
" " " 1792, .....	300,073 54	18,000 00
" " " 1808, .....	393,461 53	24,000 00
5 per cent. canal stock, .....	407,000 00	20,350 00
3600 shares in the Merchants' Bank of the city of New-York, ....	180,000 00	11,500 00
1000 shares Manhattan Bank, .....	50,000 00	3,500 00
Money in the treasury, being balance of receipts from the capital, ...	94,637 85	4,000 00
	<b>\$1,696,743 66</b>	<b>\$101,350 00</b>
Revenue received in 1830, .....		<b>\$100,678 60</b>

(E.)

**Local School Fund.**

There are many towns in the state in which the schools derive an essential benefit from a local fund. This fund arises from the avails of land which was reserved in certain grants for gospel and school purposes. The following is a list of the principal reservations of this nature, viz :

One lot of 550 acres in each of the 28 townships in the military tract.

Forty lots of 250 acres each in the twenty townships west of the Unadilla river, being 10,000 acres.

One lot of 640 acres in each of the townships of Fayette, Clinton, Greene, Warren, Chenango, Sidney and Camden, in the counties of Broome and Chenango.

Ten lots of 640 acres each, in the townships along the St. Lawrence.

Sixteen lots of 640 acres each, in Totten & Crossfield's purchase.

The local school fund, which has become productive, is stated, in the reports of the commissioners of the several towns, as follows :

**BROOME COUNTY.**

Colesville, .....	\$98 75	Windsor, .....	91 07
Sanford, .....	71 00		
			<u>\$260 82</u>

**CAYUGA COUNTY.**

Auburn, .....	19 20	Mentz, .....	105 00
Brutus, .....	94 58	Owasco, .....	35 00
Cato, .....	50 15	Scipio, .....	238 30
Conquest, .....	25 75	Sempronius, .....	149 20
Fleming, .....	10 77	Sennet, .....	159 70
Genoa, .....	440 37	Springport, .....	26 90
Ira, .....	47 56	Venice, .....	214 65
Ledyard, .....	289 92	Victory, .....	30 82
Locke, .....	30 00		
			<u>\$1967 87</u>

**CHENANGO COUNTY.**

Bainbridge, .....	236 77	Oxford, .....	55 00
Columbus, .....	83 16	Pharsalia, .....	60 00
Coventry, .....	43 83	Plymouth, .....	55 66
Guilford, .....	*46 12	Preston, .....	90 95
Greene, .....	86 74	Sherburne, .....	108 89
Macdonough, .....	59 94	Smyrna, .....	73 92
New-Berlin, .....	88 55		
Otselic, .....	101 83		
			<u>\$1191 36</u>

\* From overseers of the poor.

## CORTLAND COUNTY.

Cincinnatus, .....	\$79 78	Scott, .....	\$97 30
Cortlandville, .....	246 80	Solon, .....	99 16
Marathon, .....	71 13	Truxton, .....	279 78
Homer, .....	123 50	Virgil, .....	38 85
Preble, .....	118 55		
			<u>\$1154 85</u>

## GENESEE COUNTY.

Castile, .....	*\$48 46	Warsaw, .....	*109 38
Covington, .....	*18 23	Wethersfield, .....	*3 00
Stafford, .....	*160 39		
			<u>\$339 46</u>

## MADISON COUNTY.

Brookfield, .....	\$182 80	Hamilton, .....	70 00
Eaton, .....	86 25	Madison, .....	123 07
Fenner, .....	*75 00	Nelson, .....	107 46
Georgetown, .....	115 07		
			<u>\$759 65</u>

## ONONDAGA COUNTY.

Cicero, .....	\$50 29	Skaneateles, .....	647 22
Clay, .....	194 74	Spafford, .....	74 68
Fabius, .....	103 84	Salina, .....	104 90
Mankius, .....	1018 21	Tully, .....	103 74
Marcellus, .....	214 84	La Fayette, .....	252 17
Otisco, .....	154 65		
Pompey, .....	370 80		
			<u>\$3289 58</u>

## SENECA COUNTY.

Covert, .....	\$288 87	Romulus, .....	281 41
Fayette, .....	201 08	Seneca-Falls, .....	68 69
Junius, .....	86 04	Tyre, .....	87 35
Lodi, .....	376 47	Waterloo, .....	94 79
Ovid, .....	373 95		
			<u>\$1858 65</u>

## ST. LAWRENCE COUNTY.

Canton, .....	\$175 73	Norfolk, .....	†10 14
De Kalb, .....	†29 00	Pierrepont, .....	\$40 50
Gouverneur, .....	73 35	Potsdam, .....	74 25
Hopkinton, .....	†25 00	Russell, .....	†8 86
Louisville, .....	7 79	Stockholm, .....	†8 24
Madrid, .....	63 21		
Morristown, .....	7 00		
			<u>\$523 07</u>

\* From overseers of the poor.—† Taxes on non-resident lands.

† From supervisor.—§ Part collectors' fees on non-resident tax.

## TOMPKINS COUNTY.

Dryden,.....	\$201 06	Greton, .....	20 00
Enfield,.....	239 70	Hector, .....	735 48
Ithaca, .....	518 62	Lansing, .....	582 89
Ulysses,.....	343 08		
			<u>\$2640 13</u>

## WAYNE COUNTY.

Galen, .....	109 88
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Amount local fund,..... \$14095 32

## RECAPITULATION.

Broome, .....	\$260 82
Cayuga, .....	1,967 87
Chenango, .....	1,191 38
Cortland,.....	1,154 85
Genesee,.....	339 46
Madison,.....	759 65
Onondaga,.....	3,289 58
Seneca, .....	1,858 65
St. Lawrence,.....	523 07
Tompkins,.....	2,640 13
Wayne, .....	109 88
	<u>\$14,095 32</u>

## (F.)

*Extract from Mr. Butler's Discourse before the Albany Institute in 1830.*

"Prior to 1827 the distribution of the moneys arising from the literature fund was submitted to the discretion of the Regents; but the act of April, 1827, which augmented that fund, provided that the income of the whole fund should be distributed among the several institutions, 'in proportion to the number of pupils instructed in each academy or seminary, for six months during the preceding year, who should have pursued classical studies, or the higher branches of English education, or both;' and also that no pupil should be deemed to have pursued classical studies unless he had advanced as far at least as to have read the first book of the *Aeneid* of Virgil in Latin, nor to have pursued the higher branches of English education unless he had advanced beyond such knowledge of arithmetic (including vulgar and decimal fractions,) and such proficiency in English grammar and geography, as are usually taught in common schools. The power of the Regents to prescribe other conditions, was also recognized in this act. But during the revision of the laws, the legislature altered the provision just quoted from the act of 1827; and directed in lieu thereof, that the whole income of the literature fund should be annually divided by the Regents into eight equal parts, one to each Senate district. The share assigned to each district is then to be distributed among the seminaries established within it, on the principles above specified. It is understood that this alteration was made with the view of encouraging seminaries in the newly settled parts of this state; its operation, however, thus far, has been exceedingly unequal if not unjust; as will appear from the following statement of the distribution of \$10,000 made in February, 1830, the first under the new statute.

## FIRST DISTRICT.

Names of academies incorporated by the regents, or which are subject to their visitation, in each Senate district.	Whole No. of students belonging to academy at the date of report.	No. students allowed by the regents to have pursued classical studies or the higher branches of English education for 4 months of said year.	Amount of money apportioned by the regents out of the literature fund.
Erasmus Hall, .....	101	58	\$895 00
Oyster-Bay, .....	49	7	108 00
Union-Hall, .....	47	16	247 00
		81	\$1250 00

## SECOND DISTRICT.

Delaware, .....	35	25	\$205 57
Dutchess County, .....	125	38	312 46
Kingston, .....	45	15	123 34
Montgomery, .....	100	15	123 34
Newburgh, .....	18	18	148 15
North-Salem, .....	70	20	164 46
Redhook, .....	41	21	172 68
		152	\$1250 00

## THIRD DISTRICT.

Albany, .....	195	96	\$277 18
Albany Female Seminary, .....	130	40	115 50
Albany Female Academy, .....	226	125	360 68
Greenville, .....	25	12	34 64
Hudson, .....	45	45	129 93
Kinderhook, .....	64	69	199 25
Lansingburgh, .....	82	26	75 07
Schenectady, .....	30	20	57 75
		433	\$1250 00

## FOURTH DISTRICT.

Canajoharie, .....	64	45	\$221 45
Cambridge, Washington, .....	53	49	241 13
Granville, .....	33	12	59 10
Johnstown, .....	69	20	98 42
Plattsburgh, .....	81	33	162 40
St. Lawrence, .....	117	73	359 24
Washington, (Salem,) .....	55	22	108 26
		254	\$1250 00

## FIFTH DISTRICT.

Bridgewater, .....	49	33	\$63 16
Clinton Grammar School, .....	..	21	52 92

## FIFTH DISTRICT, (CONTINUED.)

Names of academies incorporated by the regents.	Whole No. students.	No. classical students.	Amount of money apportioned.
Fairfield,.....	58	50	\$126 00
Hamilton,.....	75	69	324 28
Lowville,.....	85	38	95 76
Oneida Institute,.....	37	33	83 16
Steuben,.....	11	20	50 48
Seminary of the Oneida and Genesee Con.	103	63	158 76
Utica,.....	88	74	186 48
Union Literary Society,.....	....	75	189 00
		496	\$1250 00

## SIXTH DISTRICT.

Cherry-Valley,.....	45	40	\$199 20
Cortland,.....	53	78	388 44
Franklin,.....	70	20	99 60
Hartwick Seminary,.....	37	32	159 36
Ithaca,.....	75	23	114 56
Oxford,.....	33	28	139 44
Oswego,.....	53	30	149 40
		251	\$1250 00

## SEVENTH DISTRICT.

Auburn,.....	111	31	\$226 60
Cayuga,.....	...	12	87 72
Canandaigua,.....	72	20	146 20
Onondaga,.....	43	14	102 34
Ovid,.....	...	27	197 37
Ontario Female Seminary,.....	72	25	182 75
Pompey,.....	30	12	87 82
Yates Co. Academy and Female Seminary,	76	30	219 30
		171	\$1250 00

## EIGHTH DISTRICT.

Buffalo High School,.....	100	41	\$266 94
Gaines,.....	62	19	123 70
Middlebury,.....	107	39	253 90
Monroe,.....	66	56	364 57
Rochester High School,.....	360	37	240 89
		192	\$1250 00



(G.)

*The following Statement shows the proportion of those annually instructed in the several counties in the State, compared with the whole population.*

<i>Counties.</i>	<i>Population by the census of 1880.</i>	<i>Children taught.</i>	<i>Proportion which the children taught bear to the whole population.</i>
Albany,.....	53532	8890	1 to 6.02
Allegany,.....	26276	8270	1 to 3.17
Broome,.....	17593	5543	1 to 3.17
Cattaraugus,.....	16724	4832	1 to 3.46
Cayuga,.....	47947	15719	1 to 3.05
Chautauque,.....	34668	10990	1 to 3.15
Chenango,.....	37417	14171	1 to 2.64
Clinton,.....	19344	4863	1 to 3.97
Columbia,.....	39952	9314	1 to 4.18
Cortland,.....	23988	8757	1 to 2.73
Delaware,.....	33025	11136	1 to 2.97
Dutchess,.....	50926	10448	1 to 4.87
Erie,.....	35712	10343	1 to 3.45
Essex,.....	19287	6593	1 to 2.92
Franklin,.....	11312	3101	1 to 3.64
Genesee,.....	52154	17969	1 to 2.81
Greene,.....	29525	7560	1 to 3.90
Herkimer,.....	35869	11436	1 to 3.13
Jefferson,.....	48495	15203	1 to 3.18
Kings,.....	20539	1170	1 to 17.54
Lewis,.....	15239	4838	1 to 3.32
Livingston,.....	27729	9130	1 to 3.03
Madison,.....	39037	12973	1 to 3.00
Monroe,.....	49810	15268	1 to 3.19
Montgomery and Hamilton,.....	47772	11611	1 to 4.11
New-York,*.....	213470	.....	1 to 8.53
Niagara,.....	18482	5534	1 to 3.33
Oneida,.....	69847	19731	1 to 3.56
Onondaga,.....	58974	17364	1 to 3.33
Ontario,.....	40372	13854	1 to 2.91
Orange,.....	45372	10948	1 to 4.14
Orleans,.....	18843	6841	1 to 2.97
Oswego,.....	27110	8758	1 to 3.09

\* The returns from the public schools in the city of New-York, exhibit a very limited view of the school instruction in that city. By a census taken in 1839, it appears that there were 24,962 scholars in all the schools and academies in the city, public and private. The population, as ascertained by the late census, divided by the children in all the schools, gives 1 scholar taught to 8.53 of the whole population.

<i>Counties.</i>	Population by the census of 1880.	Children taught.	Proportion which the children taught bear to the whole population.
Otsego, .....	51372	17573	1 to 2.92
Putnam, .....	12701	3047	1 to 4.16
Queens, .....	22276	3486	1 to 6.36
Rensselaer, .....	49453	12254	1 to 3.21
Richmond, .....	7084	1056	1 to 6.70
Rockland, .....	9388	1655	1 to 5.67
Saratoga, .....	40122	11151	1 to 3.59
Schenectady, .....	12334	3291	1 to 3.71
Schoharie, .....	27951	8219	1 to 3.40
Seneca, .....	21031	6703	1 to 3.13
St. Lawrence, .....	26351	11205	1 to 2.35
Steuben, .....	33977	11046	1 to 3.07
Suffolk, .....	26780	6917	1 to 3.87
Sullivan, .....	12372	3336	1 to 3.70
Tioga, .....	27768	7663	1 to 3.62
Tompkins, .....	36541	12417	1 to 2.94
Ulster, .....	36551	7509	1 to 4.86
Warren, .....	11795	3854	1 to 3.06
Washington, .....	43280	13356	1 to 3.24
Wayne, .....	33552	11970	1 to 2.51
Westchester, .....	36456	6730	1 to 5.41
Yates, .....	19019	5867	1 to 3.24
			55) 217.18

General average, 1 to 3.24<sub>100</sub>

The following table, says the Southern Review, (p. 113, vol. 4,) is taken, excepting two items, (Pays de Vaud and Bavaria,) from Balbi, one of the most distinguished statistical writers of the present day. These we have found among the articles of literary intelligence contained in the "Revue Encyclopedique" for the last year.

In the Pays de Vaud there is 1 child at school for every 6.6 inhab.

Prussia,	1	do	do	7.
Bavaria,	1	do	do	8.
Low Countries,	1	do	do	9.7
Austria,	1	do	do	15.
England,	1	do	do	15.3
France,	1	do	do	17.6

In the report of the Superintendent of 1827, (Assembly Journals, Appendix A. p. 61,) a statement was given in regard to the state of education in various countries of Europe, prepared by M. Ferrusac, of Paris. The following items are given from that statement.

In Scotland there is 1 child at school to every 10 inhabitants.

Ireland,	1	do	do	18
Poland,	1	do	do	78
Portugal,	1	do	do	18
Russia,	1	do	do	954

*The Commissioners of School Money for the city and county of  
New-York,*

REPORT:—

That the balance of school money remaining from the former distribution, to the credit of the commissioners, amounted to twenty-eight dollars and twenty-four cents,..... \$28 24

The sum received and placed by the county and state to the credit of the commissioners for the current year, amounted to ten thousand two hundred and seventy-four dollars and sixty-nine cents for each, amounting in the whole, to twenty thousand five hundred and forty-nine dollars and thirty-eight cents, ..... 20,549 38

The ~~st~~ of one per cent. authorised by the act of 1829, 14,071

Making a total for distribution of thirty-four thousand six hundred and forty-eight dollars and sixty-two cents,..... \$34,648 62

The commissioners have paid the balance in full of the Bethel Church claim, with interest, amounting to..... \$1,062 21

The commissioners have also divided and paid to the several schools entitled thereto, the sum of thirty-three thousand five hundred and sixty-nine dollars and forty-six cents,..... 33,569 46

\$34,631 67

Leaving a balance to the credit of the commissioners for the year 1831, of..... 16 95

\$34,648 62

Of the sum of thirty-four thousand six hundred and thirty-one dollars and sixty-seven cents thus distributed, the commissioners paid:

To the Orphan Asylum, for one hundred and thirty-five scholars, eight hundred and eighty-nine dollars and sixty-five cents, ..... \$889 65

To the African schools for three hundred and thirty-two scholars, two thousand one hundred and eighty-seven dollars and eighty-eight cents,..... 2,187 88

Amount carried forward,..... \$

Amount brought forward, .....	\$	
To the Mechanics' school, for twenty-nine scholars, one hundred and ninety-one dollars and eleven cents,.....		191 11
To the public schools, for four thousand four hundred and eighty-nine scholars, twenty-nine thousand five hundred and eighty-two dollars and fifty-one cents,	29,582 51	
To the Harlem school, for twelve scholars, seventy- nine dollars and eight cents,.....		79 08
To the Manhattanville school, for forty-seven scho- lars, three hundred and nine dollars and seventy- three cents,.....	309 73	
To the Hamilton school, for fifteen scholars, ninety- eight dollars and eighty-five cents,.....		98 85
To the Yorkville school, for thirty-five scholars, two hundred and thirty dollars and sixty-five cents,...	230 65	
Claim of the Bethel Church, with interest, .....	1,062 21	
	<hr/>	
	\$34,631 67	
	<hr/>	

*New-York, December 20th, 1830.*

A true copy of the original, on file in my office.

N. DEAN,

*Clk. city and county N. York.*

Dated 21st Dec. 1830.

*The following are the locations and sizes of the several schools  
of the public School Society.*

No.	Location.	Teachers.	Scholars.
1,	in Chatham-street,	Lloyd D. Windsor,	451, boys and girls.
2,	in Henry-street,	T. M. Macy,	347, boys.
		Eunice Dean,	377, girls.
3,	in Hudson-street,	Benj. F. Hart,	413, boys.
		Frances M. Hart,	253, girls.
4,	in Rivington-street,	S. Hammond,	463, boys.
		Caroline B. Knapp,	395, girls.
5,	in Mott-street,	John Tuomy,	299, boys.
		Maria M. Field,	180, girls.
6,	at Bellevue,	Francis Windsor,	325, boys and girls.
7,	in Chrystie-street,	S. R. Kirby,	276, boys.
		Frances Coit,	258, girls.
8,	in Grand-street,	C. B. Shearman,	300, boys.
		Elizabeth Dean,	280, girls.
	Junior department,	N. H. Reynolds,	210, boys and girls.
9,	at Bloomingdale,	Jotham Wilson,	63, boys and girls.
10,	in Duane-street,	A. De Montfredy,	278, boys.
		Eliza J. Cox,	268, girls.
	Infant school,	Mrs. Smith,	192, boys and girls.
11,	in Wooster-street,	Joseph Belden,	300, boys.
		Mary Ann Shourt,	250, girls.

## RECAPITULATION.

Numbers of the houses.	Cost and value of lots.	Cost and value of buildings.	Total.
1	.....	\$18,100 00	\$18,100 00
2	\$4,800 00	14,112 53	18,912 53
3	5,000 00	7,884 00	12,884 00
4	2,700 00	12,116 62	14,816 62
5	2,295 94	9,977 00	12,272 94
6	.....	.....	.....
7	4,500 00	10,490 62	14,990 62
8	5,000 00	12,634 49	17,634 49
9	500 00	.....	500 00
10	8,350 00	13,072 84	21,422 84
11	3,750 00	12,406 00	16,156 00
	\$36,895 94	\$110,791 00	\$147,686 00

*School Furniture.*

Desks, benches, fixtures, stoves, &c. in 21 school rooms,.....	\$10,500 00
Books, maps, globes, libraries, &c. in 21 rooms,.....	5,250 00
	<u>\$163,436 00</u>

*Value of the Public School Society's property now mortgaged.*

No. 3,	\$12,884, to William W. Fox,.....	\$10,000
No. 5,	12,272, to Thomas Collins,.....	10,000
No. 7,	14,990, to Robert D. Weeks,.....	10,000
No. 8,	17,634, to Samuel Emlen,.....	10,000
No. 10,	21,422, to Este. Thos. S. Byrns,.....	10,000
No. 11,	16,156, to Thomas Collins,.....	10,000
	<u>\$95,358</u>	<u>\$60,000</u>

(I.)

The following table exhibits the gain and loss in the number of children taught, the number between five and sixteen, the number of districts which have made reports and the money paid for teachers' wages besides public money, compared with the returns of last year, as well as the number of inspections in each county.

Counties.	Increase in children taught.	Increase in children between 5 and 16.	Increase in districts returned.	Increase in money over and above public money.	Decrease in children taught.	Decrease in children between 5 and 16.	Do. in districts returned.	Decrease in money over public money.	No. of inspections in each county.
Albany, ....	82	254	11	\$1304 81	...	...	...	...	116
Allegany,...	526	746	5	1767 93	...	...	...	...	220
Broome,...	216	427	10	138 38	...	...	...	...	84
Cattaraugus,...	528	1030	19	521 72	...	...	...	...	116
Cayuga, ....	433	438	9	1583 64	...	...	...	...	227
Chautauque,...	1697	1671	34	2342 67	...	...	...	...	227
Chenango,...	760	395	3	683 22	...	...	...	...	300
Clinton,....	319	389	11	1315 97	...	...	...	...	64
Columbia,...	...	142	4	1050 47	495	...	...	...	266
Cortland,...	481	240	10	728 67	...	...	...	...	177
Delaware,...	891	539	20	...	...	...	...	\$658 04	183
Dutchess,...	...	345	1	176 87	691	...	...	...	144
Erie, ....	1072	828	9	743 43	...	...	...	...	211
Essex, ....	544	166	6	269 87	...	...	...	...	88
Franklin,...	163	136	1	111 66	...	...	...	...	44
Genesee, ...	131	816	4	3387 22	...	...	...	...	314
Greene, ....	...	138	8	...	246	...	...	97 07	128
Herkimer,...	163	161	3	...	...	...	...	49 37	177
Jefferson,...	68	789	8	885 28	...	...	...	...	138
Kings, ....	250	1111	...	1130 22	...	...	1	...	14
Lewis, ....	102	331	1	392 63	...	...	...	...	103
Livingston,...	594	396	5	1327 63	...	...	...	...	152
Madison, ...	58	276	5	2394 56	...	...	...	...	214
Monroe,....	541	...	7	2978 42	...	182	...	...	243
Montgomery,...	...	593	...	2384 03	55	...	...	...	128
New-York,...	171	...	...	...	...	...	...	...	...
Niagara,....	1152	611	6	...	...	...	...	622 06	69
Oneida, ....	399	849	1	723 41	...	...	...	...	319
Onondaga,...	873	1618	16	...	...	...	...	498 62	160
Ontario, ....	428	734	5	2355 51	...	...	...	...	192
Orange, ....	95	13	3	2861 30	...	...	...	...	116
Orleans,....	73	237	4	1477 58	...	...	...	...	84
Oswego, ....	465	576	11	2363 31	...	...	...	...	198
Otsego, ....	164	241	7	1326 71	...	...	...	...	363
Putnam,....	...	289	3	1173 48	109	...	...	...	54
Queens, ....	124	1089	6	1373 10	...	...	...	...	21

<i>Counties.</i>	Increase taught.	Increase 5 and 16.	Increase districts.	Increase money.	Decrease taught.	Decrease 5 and 16.	Decrease districts.	Decrease money.	No. inspections.
Rensselaer, ..	794	498	1	\$2353 49	....	....	..	.....	163
Richmond, ..	100	.....	...	690 75	....	166	2	.....	26
Rockland, ..	.....	.....	1	.....	85	43	..	\$927 73	26
Saratoga, ...	237	127	...	588 22	....	...	1	.....	178
Schenectady,	155	20	5	217 27	....	....	..	.....	39
Schoharie,...	368	8	2	.....	....	....	..	.....	89
Seneca,.....	157	141	2	768 11	....	....	..	.....	53
St. Lawrence	1392	877	19	2324 84	....	....	..	.....	203
Steuben, ...	1078	1169	9	715 30	....	....	..	.....	156
Suffolk,.....	522	156	...	1960 79	....	....	..	.....	103
Sullivan,....	.....	230	7	354 76	62	....	..	.....	75
Tioga, .....	274	594	4	896 25	....	....	..	.....	97
Tompkins,..	437	166	2	1182 14	....	....	..	.....	147
Ulster, .....	525	389	4	187 22	....	....	..	.....	90
Warren, ....	350	267	3	147 41	....	....	..	.....	57
Washington,	57	47	9	502 68	....	....	..	.....	207
Wayne, ....	1339	1066	4	64 53	....	....	..	.....	134
Westchester,	.....	242	10	.....	291	....	..	2860 41	....
Yates,.....	.....	72	4	.....	64	....	..	203 84	101
	21409	24622	342	54227 66	2098	391	4	5347 14	6589
<i>Recapitulation.</i>									
Total gain, ..	21409	24622	342	54227 66					
loss, ..	2098	391	4	5347 14					
Real gain,...	19311	24231	338	48880 52					





No. 16.

**IN ASSEMBLY,**

**January 6, 1831.**

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**MESSAGE,**

**From the Governor, transmitting the Annual Report  
of the Adjutant-General.**

**TO THE ASSEMBLY.**

**GENTLEMEN—**

I have the honour to transmit herewith, the annual report of the  
Adjutant-General.

**E. T. THROOP.**

*Albany, January 6, 1831.*

[A. No. 16.]

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Tarpaulins.		Till.
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6	1	...
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5	1	...
53	14	...

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**AND EQUIPMENT**

					REMARKS.
	Tarpaulins.	Tillers.	Tompions and straps.	Aprons.	
1	...	...	...	...	Cavalry returns.
2	...	...	...	...	
3	6	10	12	6	
4	15	34	18	18	
5	...	...	...	...	
6	9	34	12	14	3 pds. 1 reg't not inspected.
7	2	20	12	8	
8	5	17	10	5	1 reg't not inspected.
9	11	19	13	8	1 pds. 1 reg't not inspected.
10	5	13	4	5	not inspected.
11	53	147	81	64	

*Adjutant-General*

[A. No. 16.]

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ey10	413	418	138	2576	146
..04	311	359	16	3981	163
ow17	488	546	..	555	16
..36	479	476	21	.....	41
..57	233	642	..	.....	.....
r..28	597	653	..	.....	.....
er..	166	.....	..	.....	.....
....	440	.....	22	7437	289
....	68	45	18	1805	56
....	520	.....	42	4647	120
			..	3994	44
61	36509	35870	78	517781	33801

*neral's Office*

**MATTHEW,**

*Adj. Gen.*



Annual return of companies of Artillery, &c. attached to the different brigades of Infantry for inspection, in the year 1830.

Number of companies.	COMPANY OFFICERS.										PRIVATES.		Total officers, non-commissioned officers, musicians and privates, present and absent.
	<i>Commissioned.</i>			<i>Non-commissioned.</i>							Present.	Absent.	
	Captains.	Lieutenants.	Ensigns.	<i>Sergeants.</i>		<i>Corporals.</i>		<i>Musicians.</i>					
				Present.	Absent.	Present.	Absent.	Present.	Absent.				
27	27	52	5	91	9	77	11	115	3	1008	355	1763	

RECAPITULATION.

Horse artillery, .....	1,716
Cavalry, .....	5,814
Artillery, .....	12,803
Infantry, (including light infantry and riflemen,) .....	166,514
Companies of artillery, &c. attached to infantry for inspection, .....	1,763
<b>Total, .....</b>	<b>188,610</b>





**IN ASSEMBLY,**

**January 12, 1831.**

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**REPORT**

**Of the committee on colleges, academies and common schools, on the petition of the trustees of one of the school districts of the city of Albany.**

**Mr. Morehouse, from the committee on colleges, academies and common schools, on the petition of the trustees of the school district in the city of Albany lying west of Perry-street,**

**REPORTED:**

**That it is represented by the said petition, that a law was passed at the last session of the Legislature, creating a school district in that part of the city of Albany in which the petitioners reside ; but from inadvertence in the draft of the act relating thereto, the inhabitants were not authorised to raise money by tax to build a school-house. That the money requisite for that purpose has been borrowed, a school-house erected, and a school maintained therein for the last six months ; and the petitioners pray that a law may be passed, authorising them to raise the amount expended in erecting the said school-house, by a tax on the real and personal estate in the said district ; and that the district may be denominated number six.**

**The committee have examined into the facts set forth in the petition, and also the act referred to therein, entitled " An act relating to common schools in the city of Albany," passed April 17th, 1830. It appears from the said act, that the inhabitants of the city of Albany residing west of Perry-street, and east of a parallel line three miles west thereof, were required to form themselves into a school district ; and that it was manifestly the intention of the Legislature to authorise them to impose and collect taxes for the hire or erection**

of a school-house, and the support of a teacher ; but from the omission in the said act to confer that power upon the inhabitants of the other districts in the city of Albany, the sufficiency of the enactment in that behalf was at least doubtful.

The committee believe that the petitioners have incurred the expense of erecting the school-house in good faith, and from prudential motives, and that they are entitled to the relief prayed for in their petition, and have therefore instructed their chairman to ask leave to introduce a bill.

**IN ASSEMBLY,**

**January 12, 1831.**

---

**REPORT**

**Of the select committee on the petition of the board  
of supervisors of the county of Monroe.**

Mr. Lacey, from the select committee, to whom was referred the  
petition of the board of supervisors of the county of Monroe,

**REPORTED—**

That they have had the petition under consideration, and that they find a law passed April 21st, 1828, authorising the board of supervisors of said county to raise five thousand dollars, exclusive of treasurer's and collector's fees. It also appears from the petition, that the sum of five thousand dollars, together with the fees as aforesaid, has been levied, collected and paid over to the treasurer of the said county. Soon after the monies aforesaid were collected and paid over, the treasurer died, being, as appears, insolvent to a large amount, leaving his sureties upon the bond to the county of Monroe, liable to the amount of seven thousand dollars, which said sum the said sureties refused to pay. It further appears that the said board of supervisors have commenced a suit in the supreme court of this state against the sureties of said treasurer, for the recovery of the said seven thousand dollars, but have hitherto been unable to recover the said sum or any part thereof. The supervisors further represent, that the jail in said county is in a failing condition, and altogether insufficient to keep and secure the persons therein confined. The said petitioners therefore ask the legislature the passage of a law authorising the supervisors of the county of Monroe to raise the sum of five thousand dollars, (exclusive of fees) by tax on the inhabitants of said county, to be raised in two equal annual in-

stalments; and that in case of a recovery against the sureties of the late treasurer, the said sum now proposed to be raised or the amount recovered, if any, may be applied to defray the contingent expenses of said county.

Your committee deem the petition reasonable, and are of opinion the same ought to be granted; they therefore direct their chairman to prepare a bill, and ask leave to introduce the same.

**No. 19.**

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**IN ASSEMBLY,**

**January 12, 1831.**

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**REPORT**

**Of the Select Committee on the petition of the Board of Supervisors of the county of Jefferson, for an act authorising them to levy and collect a tax on said county for the purpose of building a fire-proof clerk's office.**

**Mr. Keith, from the select committee to which was referred the petition of the board of supervisors of the county of Jefferson, praying for the passage of an act authorising them to levy and collect a tax of one thousand dollars on said county, for the purpose of building a fire-proof clerk's office,**

**REPORTED—**

**That the petition sets forth that the clerk's office in said county is in a rapid state of decay, and that in the opinion of said board, the public interest of the county requires that a new fire-proof clerk's office should be immediately erected.**

**The committee are satisfied that the statements set forth in the petition ought to be granted, and have therefore prepared a bill, which they ask leave to introduce.**

THESE THINGS ARE NOT TO BE TAKEN AS  
A WARNING TO THE OTHERS, BUT AS A  
PROOF THAT THE LORD IS WITH US  
AND THAT HE WILL NOT FORGET US.

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**IN ASSEMBLY,**

**January 13, 1831.**

---

**REPORT**

**Of the committee on claims on the petition of Michael Anthony.**

Mr. J. C. Spencer, from the committee on claims, to whom was referred the petition of Michael Anthony,

**REPORTED—**

The petitioner claims to be allowed the sum of £200, which was credited to this state by the United States for damages done by its army in the winters of 1779 and 1780, in cutting and using timber which was upon a farm in Peekskill, Westchester county. The farm had belonged to Joseph Anthony, who is said to have mortgaged it to one George Folliot. Anthony died in the early part of the war, and the farm descended to his eldest son Joseph Anthony, who was the owner of it at the time the damage was done. In September 1786, Joseph Anthony the younger, conveyed it to the petitioner. Folliot, the supposed mortgagee, is said to have been attainted for treason, and if so, the state became vested with his interest in the mortgage. The presumption is, that the state never collected the debt secured by the mortgage, as it seems to have been supposed that all mortgages to attainted persons, were discharged or cancelled by the operation of the act of 1807, in relation to those mortgages.

Your committee are satisfied that the state received the £200, and that it belonged to the owner of the land in fee, and not to the mortgagee. It would seem that a certificate for the amount had been issued, but there is no evidence that it was ever paid; and on the contrary, the evidence induces a belief that it could not have been paid. If there was a mortgage, of which there is no evidence, and



if it was cancelled by the state, of which also there is no evidence, yet such a donation to the mortgagor could scarcely be considered a payment of the £200 received by the state. The fact of indebtedness on account of having received that sum, was probably unknown at the time. In the view of your committee, the £200 does not belong to the state, but to the person who was owner of the land at the time the injury was committed on it. That owner was Joseph Anthony the younger, who is understood yet to be living. The conveyance of the land by him to Michael Anthony, six years after the injury was sustained, did not transfer his claim to compensation for that injury or to the money which the state had received in trust for him. And as Michael Anthony shows no other evidence of a transfer of that claim, any payment or satisfaction of it to him, would not prevent Joseph Anthony or his representatives from making the same claim.

Your committee therefore recommend to the house the adoption of the following resolution :

*Resolved*, That the prayer of the petition of Michael Anthony, ought not to be granted, and that he have leave to withdraw his petition and the accompanying papers.

**IN ASSEMBLY,**

**January 13, 1831.**

---

**REPORT**

**Of the Committee on Claims, to which was referred the petition of Orson Smith, in behalf of himself and others, heirs of David Smith.**

Mr. J. C. Spencer, from the Committee on Claims, to which was referred the petition of Orson Smith, in behalf of himself and others, heirs of David Smith,

**REPORTED—**

The difficulties which this claim has heretofore encountered, seem to be removed by the discovery of a manuscript copy of a register of the officers and soldiers serving in the regiments of this state in the continental army during the revolutionary war. This document, which the state has purchased, and deposited in the office of the Secretary of State, and which is deemed authentic and of great weight as evidence, shows that David Smith was enlisted as a private in Capt. McCracken's company in the first regiment, on the 8th of January, 1777, to serve during the war. The fact had been sworn to positively by Capt. McCracken, and by Matthew Bellamy, who was a private in the same company and a brother-in-law of Smith's, and other circumstantial evidence had been adduced before the discovery of the register above mentioned. The fact of enlistment to serve during the war, seems now to be put at rest.

The fact of his having died in the service, is established as satisfactorily as such a fact well can be proved at this distance of time. McCracken and Bellamy both prove his having been taken sick at Valley-Forge, and their having heard of his death soon after. His relatives all testify to the report of his death about the same time.—

This is the usual evidence given in such cases in courts of law, and from the nature of the case, it is the best possible evidence of which it admits.

The fact of his not having been returned dead, amounts to very little. The officer of his regiment, whose duty it was to make the return may not have been at the station where he died ; and indeed considering the confusion which prevailed during that gloomy period of the war, an omission of this kind was more likely to occur, than an accurate return. In numerous instances these returns have been found imperfect.

These two points being established—that David Smith enlisted during the war, and that he died in the service, it follows inevitably that he was entitled to the bounty lands promised by this state. This principle has been perfectly settled by the legislature of this state for the last twenty-five years.

On the subject of delay in making the application, no fault can be imputed to the heirs of the soldier. As early as 1796 a petition was presented, the facts were all admitted by the committee who reported on the subject, but they adopted a construction of the laws and resolutions respecting bounty lands, which has since been universally discarded as erroneous. From that time to this, at various intervals, the application has been renewed, and bills for the relief of the petitioners have passed one or other house of the legislature, but finally failed, owing, as it is presumed, to a defect in the proof of the fact of Smith's enlistment. That defect being now supplied, anxious as your committee are that no new claims against the state should be admitted without the most thorough investigation, yet having bestowed that investigation, and being unable to detect any deficiency in the proof to sustain this claim, they cannot think it comports either with the character or dignity of the state to refuse an act of justice so long delayed. The most satisfactory evidence is furnished by the balloting book that no patent was ever issued to this David Smith.

With these views, your committee would at once report a bill directing the issuing of letters patent to the heirs of Smith, for the usual quantity of land ; but they learn that the lands set apart for the revolutionary claims are exhausted, except what remains in the town of Sterling, where there are a few hundred acres of swamp

land of very little value. The committee have no alternative but to present to the house a proposition to satisfy this claim by a direct appropriation of money. Although ancient, they do not conceive its character is less sacred, because it originated in that eventful struggle which secured to our fathers, and to ourselves, liberty and independence. They have some difficulty in arriving at a satisfactory estimate of the value of the five hundred acres of land to which Smith was entitled at the time of the first application of his heirs in 1796. But upon the whole, after obtaining all the information within their reach, they have concluded to recommend the sum of eight hundred dollars, to include as well the original value of the land, as all claims for interest.

Another difficulty is, the want of sufficient proof who are the right heirs of David Smith. This has been provided for in the bill which the committee have directed their chairman to report to the House.



No. 22.

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IN ASSEMBLY,

January 13, 1831.

---

Of the Committee on Claims, on the petition of  
George Thompson.

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of George Thompson,

REPORTED—

The petitioner, with other heirs of John Thompson, deceased, had two hundred acres of land granted to them in the west part of lot number ninety-six, in Sterling. They divided the land into seven parts, and each took his respective portion. In 1825 the portion belonging to the petitioner and his sister, Margaret Elder, was sold to pay a tax assessed upon the whole of the lot, which had thus been granted. The petitioner discovered the sale in time to redeem the land, but says he was unable to pay the whole amount, and was advised if he did he would have no remedy against the owners of the other parts of the lot, to compel a contribution. This is the substance of the petition, and he solicits redress, without specifying its nature.

The petitioner was certainly ill advised ; he had ample remedy to collect their proportion of the other proprietors, if he had paid it. His want of means to do so, is a misfortune, for which he can scarcely expect the state to be accountable. The tax was laid to improve a road, and no part of it has been received by the state. Your committee can not discover any ground upon which this claim can be for a moment entertained. They therefore recommend to the house the following resolution :

*Resolved*, That the prayer of the petition of George Thompson be denied, and that the petitioner have leave to withdraw his petition and the accompanying papers.



**No. 23.**

**IN ASSEMBLY,**

**January 13, 1831.**

---

**REPORT**

**Of the committee on claims, on the petition of the  
Highland Turnpike Company.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of the president, directors and company of the Highland turnpike company,

**REPORTED—**

In 1825, the supervisors of Westchester levied a tax on the capital of the petitioners, as follows : On the bed of the turnpike road, which was estimated at 16,000 dollars, and on the amount of stock subscribed, estimated at 70,828 dollars ; which tax amounted in the whole to \$202.83, of which \$43.41 was for the State tax. In 1826, a further tax of \$75 was levied, of which no part was for the State. The petition alleges that no effort was made to prevent the assessment, as it did not occur to the president, who managed the concerns of the company, that the supervisors would assess the corporation. The petitioners ask for an act directing the repayment of these taxes.

Your committee believe that the proceedings of the supervisors were not warranted by law ; but they do not perceive how acclaim on the State is thereby furnished. The laws provide ample remedies for the illegal acts of officers of every description, and it would be a novelty for the State to compensate for injuries produced by such acts. If the proceedings were lawful, then most assuredly the State can not interfere. If the assessment was erroneous in amount, means were provided by law to reduce it ; and it can not seriously be asked of the State to remunerate any individual for a loss sustained by his own neglect to pursue the appropriate remedies.

[A. No. 23.]



The committee recommend to the House the adoption of the following resolution :

*Resolved*, That the prayer of the petition of the Highland turnpike company be denied, and that the said company have leave to withdraw the same.

**No. 24.**

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**IN ASSEMBLY,**

**January 13, 1831:**

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**REPORT**

**Of the committee on claims, on the petition of  
William C. Young.**

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of William C. Young,

**REPORTED :**

The petitioner was employed as an engineer by the commissioners appointed in the act passed April 15th, 1828, respecting a rail-road from Boston to the Hudson river. He made very valuable maps and profiles of the route from Albany to the Massachusetts line, and attended with them before the members of the Legislature of Massachusetts.

On the 1st of December 1828, Nathan Hale, vice-president of the Massachusetts board of commissioners, addressed a letter to one of the New-York board, from which the following is an extract :

“ You will add to the obligations already conferred on us, if you will authorise and request your engineer to furnish us with copies of his plans and profiles of the survey from Albany to the line of this State, the expense thereof to be charged by him to our board.”

The copies and profiles were furnished accordingly by the petitioner, for which he asks remuneration from this State. The charge was disallowed by the Comptroller, on the ground that the expense was not incurred by the order and on the responsibility of our commissioners, but at the request and on the promise of payment by the Massachusetts board. The committee see nothing in the documents

before them to vary this ground ; but on the contrary, they think it confirmed by the extract before given. Nor can they perceive why any courtesy to a neighboring State should require this State to pay a claim, which, for aught that appears, the State of Massachusetts is ready to pay on being asked.

The committee feel constrained to recommend the adoption of the following resolution :

*Resolved*, That the prayer of the petition of George C. Young be denied, and that he have leave to withdraw the same.

IN ASSEMBLY,

January 13, 1831.

---

REPORT

Of the Committee on Claims, on the petition of  
Ezekiel Cravath.

Mr. J. C. Spencer, from the committee on claims, to which was referred the petition of Ezekiel Cravath,

REPORTED :

A road was laid by the commissioners of highways of the town of Wethersfield in the county of Genesee, through land of the petitioner which was neither improved, cultivated or enclosed ; by which, as he alleges, he sustained damage, but has received no compensation therefor. He relies on the constitutional provision that private property shall not be taken for public use, without just compensation, and calls upon the Legislature to compensate him for the damage he has sustained.

If the law authorising the laying out and opening of a highway through his unimproved land, be unconstitutional, the petitioner has a simple and easy remedy against those who committed the injury, by an appeal to the courts of justice, and if they pronounce the law unconstitutional, it will be time enough for the Legislature to provide a remedy for the petitioner. But the committee can not now undertake to investigate or decide the question, whether a law which has been in operation about forty years, is unconstitutional. They should at any time think that neither this House or one of its committees, was exactly the tribunal to determine such a matter. And if they should, and should find the act unconstitutional, they do not perceive how the State of New-York is bound to compensate the petitioner.

The committee recommend to the House, the adoption of the following resolution :

*Resolved*, That the prayer of the petition of Ezekiel Cravath be denied, and that he have leave to withdraw the same.

**IN ASSEMBLY,**

**January 13, 1831.**

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**REPORT**

**Of the Committee on the incorporation of Cities and Villages, on the petition of sundry inhabitants of the village of Potsdam.**

Mr. Ostrander, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Potsdam, in the county of St. Lawrence,

**REPORTED—**

That they have examined and duly considered the subject matter referred to them, which is an application for an act to incorporate the village of Potsdam; giving and granting to the inhabitants of said village the privileges and immunities of an incorporated village, according to the bill prepared for that purpose. The number of inhabitants in said village of Potsdam, appears to be 645, and in the town, 3,650. The situation of said village is eligible; its business and increasing population present it in a flourishing and prosperous condition, consequently the prosperity and interest of said village will be promoted by the usual privileges granted by an act of incorporation.

The committee are therefore of opinion, for the reasons suggested, that the application is reasonable and proper, and ought to be granted; they have accordingly prepared a bill, and instructed their chairman to introduce the same.

1.  $\mathcal{H} = \{H_1, \dots, H_n\}$  is a family of  $n$  halfspaces in  $\mathbb{R}^d$ ,  
 2.  $\mathcal{H}$  is linearly separable, and  
 3.  $\mathcal{H}$  is  $\epsilon$ -marginally separable.

**IN ASSEMBLY,**

**January 13, 1831.**

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**REPORT**

**Of the Committee on Trade and Manufactures, on  
the report from the Secretary of State, in relation  
to standard weights and measures.**

Mr. Bogert, from the committee on trade and manufactures, to whom was referred the report from the Secretary of State in relation to furnishing the counties with the standard weights and measures,

**REPORTED—**

That they have had the subject under consideration. The only question to which the Secretary of State has in his report drawn the attention of the House, is whether the copies of the original standards of weights and measures, which he is by law directed to furnish to the several county sealers, shall be paid for out of the state treasury, or be supplied at the expense of the counties?

By the act to regulate weights and measures, passed March 19, 1813, it is provided that the standards of weights and measures shall be furnished to both county and town sealers, at the expense of their respective counties or towns.

It is enacted in the Revised Statutes, vol. 1, p. 609, that "copies of such original standards shall be transmitted by the state sealer to the several county sealers to be furnished by them to the town sealers in their respective counties, at the expense of the towns."

From this language the committee infer, that the legislature intended that the standards to be furnished the county sealers should



be at the expense of the counties. But whether such was their intention or not, it appears to be reasonable that inasmuch as most of the counties have been provided at their own expense, the others should be supplied in the same manner.

Had the new construction of standards of weights and measures, contemplated by the 19th chapter of the first part of the Revised Statutes, been carried into effect, it would have been necessary for all the counties to have been furnished with copies at the same time, and in that case it would perhaps have been proper and equitable that the State should bear the expense ; but in 1829 it was enacted (Session Laws, 1829, p. 433,) that the standard weights and measures then in the office of the Secretary of State, should be and remain the standards until provision should be made for the construction of those contemplated in the revision. No such provision having as yet been made, the committee concur in the opinion of the Secretary of State, that the counties should, as heretofore, be supplied with the existing standards at their own expense.

Applications for copies are made under the impression that the State is to furnish them without cost, and refused, because the law makes no provision to defray the expense. It is therefore necessary that a law should be passed on the subject.

At the last session, on the suggestion of the Secretary of State, a bill was introduced in the Senate providing that county sealers should be furnished at the expense of their counties. It passed that house, but reached the Assembly too late to be acted upon. The committee have prepared a similar bill, which they have directed their chairman to ask leave to introduce.

**No. 28.**

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**IN ASSEMBLY,**

**January 13, 1831.**

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**REPORT**

**Of the Committee on Grievances, on the petition of  
Salmasius Bordwell and William Brayton.**

Mr. Birdsall, from the committee on grievances, to whom was referred the petition of Salmasius Bordwell and William Brayton,

**REPORTED—**

That the committee have examined the statements of the petitioners, as set forth in their petition, together with the affidavits and documents accompanying the same.

They have also heard the statements of Mr. Bouck, the acting canal commissioner, referred to in the petition, and have unanimously adopted the report of Mr. Granger, from the committee on grievances, to this House, at it last session, (see document No. 319,) to which they beg leave to refer.

The committee have prepared a bill, which they ask leave to present.

[A. No. 28.]



No. 29.

## IN ASSEMBLY,

January 14, 1831.

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### REPORT

**Of the Committee on the establishment and improvement of Roads and Bridges, and the incorporation of Turnpike Companies, on the petition for a bridge across the Hudson river at Troy.**

Mr. Fowler, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the city of Troy, for building a bridge across the Hudson river, opposite the city of Troy,

#### REPORTED—

That they have inquired into the subject matter of the petition, and find the facts therein stated substantially correct. That in times of high water the current at that place is rapid, and when the ice is forming and breaking up in the river, the crossing is difficult and dangerous, and frequently impracticable ; which is a great impediment to the course of public travel and the business of the city. That the current from the sloop lock (at the north line of the city,) south to about Jacob-street, (which is about at the north end of the business part of the city,) is swift at all seasons of the year, and the channel (which has been in part made by excavating the rock) is very narrow and close in to the east shore, so that vessels in ascending the river cannot beat, but must pass up with a strong south wind, or be towed by horse or other power upon the shore, which is frequently done ; and vessels, in descending the river, drop down to about Jacob-street before they make sail. The committee therefore believe that a draw-bridge across that part of the river, will be of little or no obstruction to the navigation, and not as much as passing

the lock, which all vessels must do that go north of the city. But a bridge south of Jacob-street, where the channel is broader, and vessels necessarily under sail, and frequently beating with a strong current in the river, would, in the opinion of the committee, be not only hazardous, but greatly obstruct and injure the navigation.

Your committee are sensible that the navigation of the Hudson river is of great importance to the public, and ought to be kept free from obstruction. But where a bridge can be placed above tide waters, and above proper sloop navigation, with a suitable draw for vessels to pass and repass, free from expense, through a narrow, and in part, an artificial channel, and where a bridge must be of such great benefit to community, as in the case presented, the committee see no good reason for objection to the application. The committee therefore recommend the granting of the prayer of the petitioners, and herewith present a bill for that purpose, and have directed their chairman to ask leave to introduce the same.

**No. 30.**

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**IN ASSEMBLY,**

**January 13, 1831.**

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**REPORT**

**Of the Select Committee on the petition of the  
Supervisors of the county of Albany.**

Mr. Gansevoort, from the select committee to which was referred  
the petition of the supervisors of the county of Albany,

**REPORTED—**

That the petitioners ask for the passage of a law authorising the supervisor, justices of the peace and town clerk, of the respective towns in said county, to audit the accounts of all charges payable by their respective towns, and certify the aggregate amount thereof to the board of supervisors.

The petitioners represent that the said town officers are more competent to audit such accounts than the board of supervisors, and that under the present arrangement, much of the time of the board of supervisors is consumed in auditing these accounts.

The committee are of the opinion that the passage of the law prayed for by the petitioners, would not only relieve the board of supervisors from much difficulty and unnecessary delay in the transaction of business, but insure a more correct and satisfactory disposition of the town accounts, and conduce to greater economy in the fiscal operations of the county.

The committee have therefore directed their chairman to prepare a bill, and ask leave to introduce the same.



**No. 31.**

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**IN ASSEMBLY,**

**January 13, 1831.**

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**REPORT**

**Of the Select Committee on the petition of the  
Waterville fire company.**

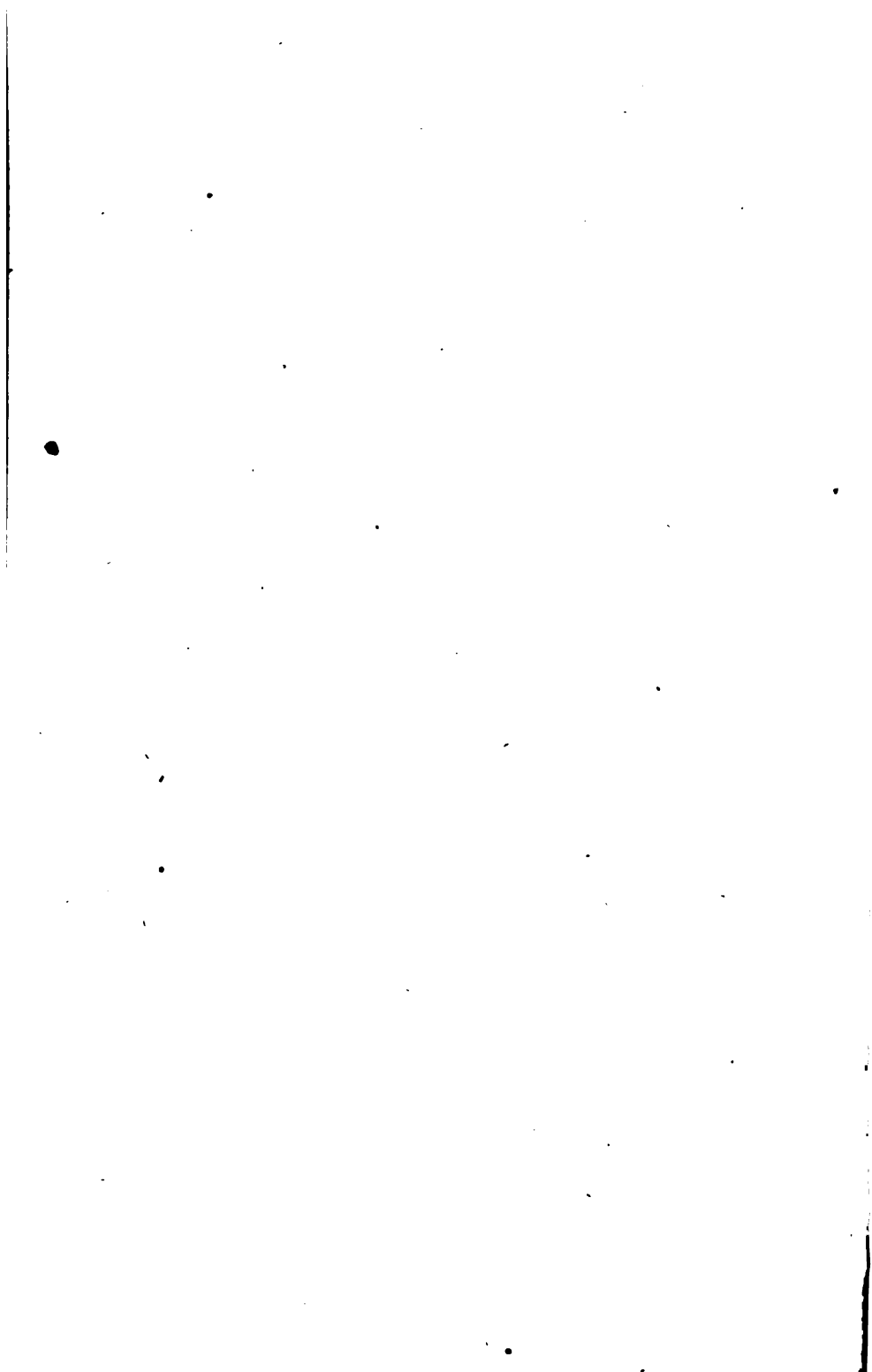
**Mr. Trowbridge, from the select committee to which was referred the petition of the Waterville fire company,**

**REPORTED—**

That they have examined the claims of the petitioners, and find that by an act of the Legislature passed April 24, 1829, a company was organized under the above title ; and immediately thereupon, a sum of money was raised by voluntary subscription, sufficient for, and that an engine and all other implements necessary for such purposes was purchased, and are now in possession of said company, which has been every way organized, with the exception of a sufficient complement of men to fill up said company, and from the fact that most of those who would enlist, are now members of incorporated militia companies, and whose enlistment it has been found, would not excuse them from military duty in such companies. They therefore ask an amendment of said act of incorporation, in such a manner as to exempt those belonging to, or who may hereafter become members of said fire company, from all military duty whatsoever during such continuance.

The committee are of opinion that the prayer of the petitioners is just and ought to be granted, and therefore ask leave to bring in a bill.





**No. 32.**

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**IN ASSEMBLY,**

**January 14, 1831.**

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**REPORT**

**Of the committee on State Prisons.**

**Mr. Livingston, from the committee on state prisons,**

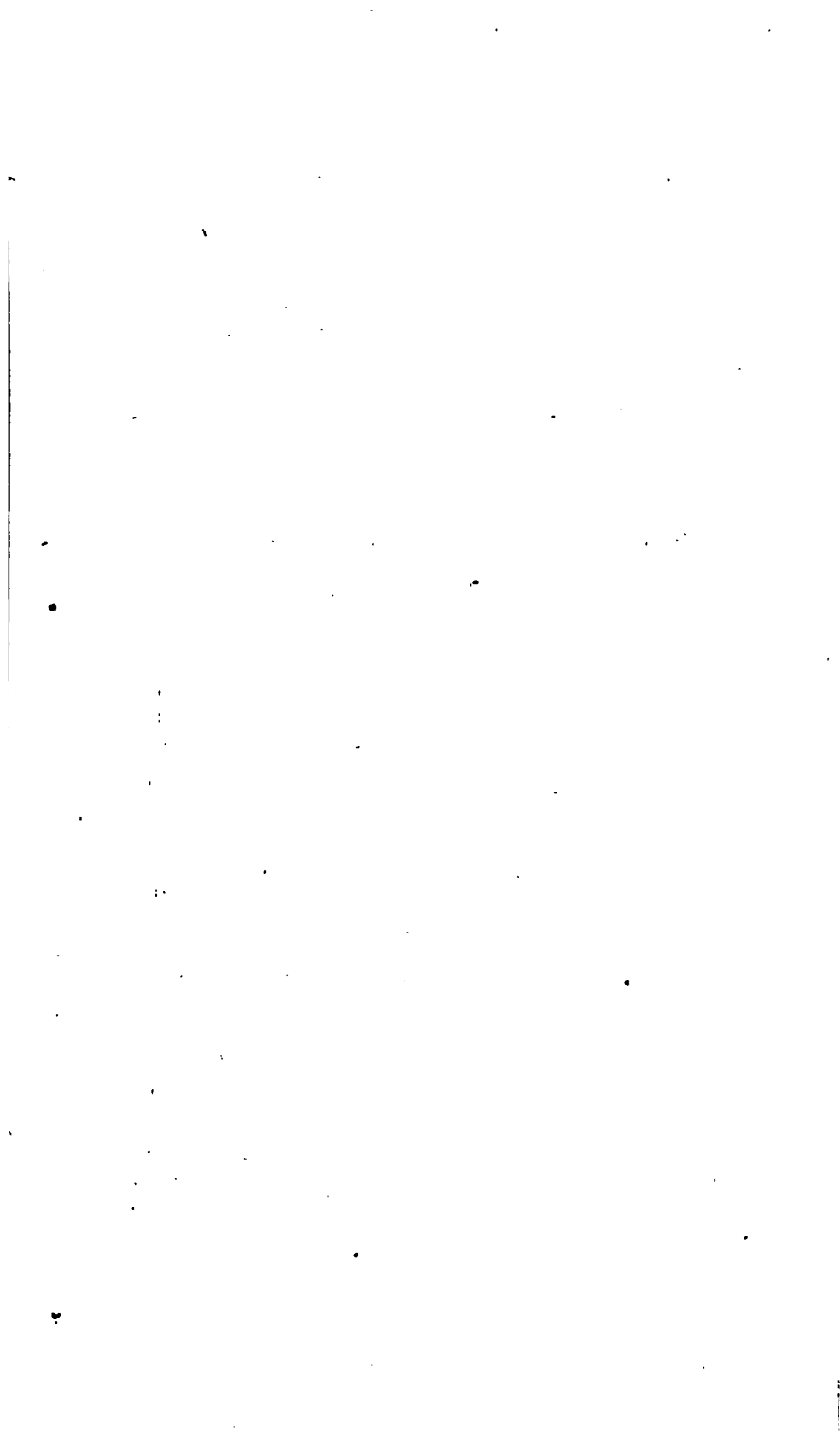
**REPORTED :**

In introducing the bill accompanying this report, the committee are actuated by a desire to provide for the immediate wants of the prison at Mount-Pleasant. The bill appropriates \$5,000 for that purpose. The funds of the prison, are at the present moment nearly exhausted, and the only dependence for further receipts, without the aid of the state, rests solely upon contracts to furnish marble. These receipts cannot be relied upon with certainty ; and in the judgment of your committee, they would be insufficient to meet the current demand for the support of the institution.

A further appropriation is contemplated during the present session, but to the end that the legislature may act understandingly upon the subject, directions have been given to the agent of the prison, to furnish a minute estimate of the probable expenditure for the ensuing year ; the manner in which the appropriation of the \$10,000 for the erection of 200 additional cells, have been expended ; what portion thereof, if any, has been applied to the purpose contemplated by the act making the appropriation, and what further sum will be required for their completion. Such a statement will enable the house to judge of the fidelity of the agents in disbursing monies appropriated for specific objects, and shew the wants of the prison for the current year.

All which is respectfully submitted.

[A. No. 32.]



**IN ASSEMBLY,**

**January 17, 1831.**

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**REPORT**

**Of the Select Committee to which was referred the petitions of several Distillers, and inhabitants of the counties of Oneida, Yates and Chenango.**

Mr. Moulton, from the select committee to which was referred the petitions of several distillers, and inhabitants of the counties of Oneida, Yates and Chenango,

**REPORTED—**

That it appears from the several petitions, that there is a deficiency in the existing laws relative to the inspection and proof of domestic distilled spirits. The law now provides for the inspection of the strength or proof of domestic distilled spirits, but in no way points out how the casks containing the liquor shall be gauged, or the quantity they contain ascertained. The gaugers are now appointed by the corporation of the city of New-York, and it is said, that in many instances the gaugers are themselves purchasers, or agents of purchasers, of domestic spirits, contrary to the spirit of all our laws on the subject of inspection.

The business of inspection is now done, it is understood, by deputies ; and the fees of the office amount to nearly \$7,000 per annum, of which the inspector reserves to himself one-half, allowing the residue to the deputies. The committee believe that the fees now allowed for proving are sufficient to pay both for proving and gauging. They are of opinion that there should be a sufficient number of officers appointed in the city of New-York to attend to the inspection of spirits without the employment of deputies. And the committee, therefore, ask leave to introduce a bill providing for the amendment of the existing law on this subject.



No. 34.

## IN ASSEMBLY,

January 17, 1831.

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### ANNUAL REPORT OF THE TREASURER.

TREASURER'S OFFICE, }  
STATE OF NEW-YORK. }

*Albany, 17th January, 1831.*

SIR—

I have the honor herewith to transmit to the Legislature, the annual report required by the act relating to the duties of the Treasurer of this State.

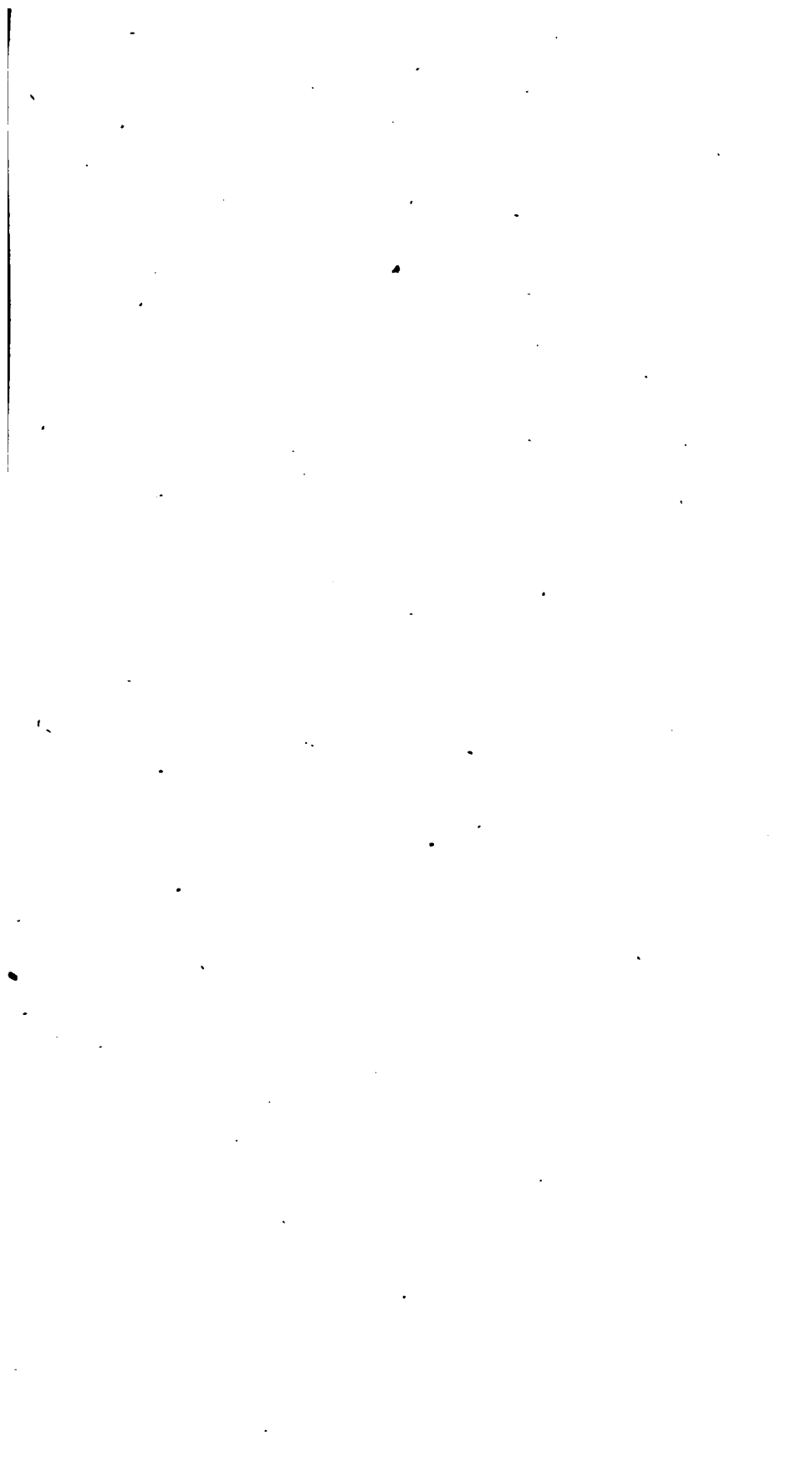
Very respectfully,

Your most obedient servant,

A. KEYSER, *Treasurer.*

HON. GEORGE R. DAVIS,

*Speaker of the House of Assembly,  
of the State of New-York.*



# REPORT, &c.

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## TREASURER'S OFFICE—STATE OF NEW-YORK.

*Statement of the Balance in the Treasury, and the amount of Receipts and Payments of the last official year, ending the 30th, November, 1830.*

### RECEIPTS.

Canal tolls, Erie and Champlain Canals,.....	\$944,680 01
do Oswego do. ....	9,724 29
do Cayuga and Seneca do. ....	11,644 83
Vendue duty, .....	218,513 66
Salt duty, .....	154,332 82
Rent surplus water, Erie and Champlain canals,....	1,600 68
do Oswego canal, .....	825 00
Interest on bonds for lands of the general fund,....	71,122 09
Principal of the same, .....	23,267 27
Interest on bonds for lands of the common school fund,	17,470 66
Principal of the same,.....	6,325 47
Interest on bonds for lands of the literature fund,....	12,785 89
Principal of the same,.....	6,174 20
Interest on bonds for escheated lands,.....	1,532 38
Principal of the same,.....	2,702 95
Interest on loan of 1786,.....	2,066 04
Principal of same, .....	10,507 78
Interest on loan of 1792,.....	18,383 34
Principal of same, .....	17,786 63
Interest on loan of 1808,.....	25,255 31
Principal of same, ....	17,891 22
Arrears of county taxes,.....	53,763 14

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Carried forward,....\$



Brought forward,....\$			
Interest on county taxes,.....			14,337 99
Dividends on bank stock, viz. Bank of America,....			3,283 20
do do New-York State bank, ...			1,429 62
do do Mechanics' & Farmers' do.			5,644 60
do do Mohawk bank,.....			275 00
do do Merchants' bank,.....			11,626 00
do do Manhattan Company, ....			3,500 00
do do Old U. S. Bank,.....			304 00
Stock sold of the Mohawk Bank,.....			5,000 00
Interest on loans to individuals, corporations, &c....			11,488 68
Principal of same, .....			17,124 59
Interest on loans of the literature fund,.....			343 02
Principal of same, .....			50 98
Rents of lands leased of the general fund, .....			745 84
do do of the school fund, .....			582 18
First payment on sales of general fund lands,.....			25,298 66
do do of school fund lands,.....			10,750 89
do do of escheated lands,.....			1,327 62
do do of literature fund lands,.....			743 94
do do of Oswego canal fund lands,.			3,240 29
do do of Erie & Champlain do do.			203 00
Interest on miscellaneous bonds, .....			60 57
Principal of same, .....			158 43
Fees of the Comptroller's office, .....			111 80
do Secretary's office, .....			867 58
do Surveyor-General's office, .....			28 30
do Clerk's office of the supreme court,.....			7 49
Tax on incorporated companies,.....			1,799 30
Balances due from individuals.....			2,213 81
State pier at Sagg-Harbor,.....			113 66
Pedlers' licenses,.....			1,310 00
Tax for draining marsh in Madison county, .....			2,250 49
Sales of the Revised Statutes,.....			12,956 75
Military fines,.....			807 76
Fines and penalties received from county treasurers,			41 90
Quit-rents, .....			89 76
Redemption of lands sold for taxes, &c. ....			27,753 60
Interest on canal stock belonging to the school fund,.			20,310 32

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Carried forward,....\$

Brought forward,....\$	
On account of the bond of the corporation of the city of Albany,.....	75,100 00
For damages sustained by owners or occupants of lands, &c.....	1,074 69
Road tax, Cedar Point, &c. ....	5,382 18
do Port Kent, &c. ....	38 76
Sales of lands for taxes,.....	86,684 25
Miscellaneous receipts,.....	9,014 94
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	\$1,993,629 11
	<hr/>

### PAYMENTS.

Lieutenant-Governor, acting as Governor,.....	\$3,500 00
Chancellor,.....	2,000 00
Justices of the supreme court, .....	6,000 00
Justices of the circuit courts, .....	9,936 37
Comptroller, .....	2,500 00
Secretary of State,.....	1,750 00
Attorney-General, .....	1,000 00
Treasurer,.....	1,500 00
Surveyor-General,.....	800 00
Deputy Comptroller,.....	1,500 00
Deputy Secretary,.....	1,500 00
Adjutant-General, .....	800 00
Commissary-General, .....	700 00
Judge Advocate General, .....	150 00
Private Secretary to the Governor,.....	600 00
Reporter to the supreme court, ....	500 00
do to the court of chancery,.....	500 00
State Librarian, .....	417 26
Chancellor's Clerk,.....	600 00
Clerk to the court of exchequer, .....	625 00
Clerk hire for the Comptroller's office,.....	6,926 39
do Secretary's office, .....	950 00
do Attorney-General's office,.....	600 00
do Treasurer's office,.....	348 50
do Adjutant-General's office, .....	200 00
do Surveyor-General's office,.....	550 00

Carried forward,....\$

Brought forward,....\$	
Treasurer's clerk, .....	800 00
<del>Expenses</del> Comptroller's office, .....	918 50
do Secretary's office, .....	285 00
do Treasurer's office, .....	67 31
do Surveyor-General's office, .....	146 91
do Attorney-General's office, .....	116 89
Incidental expenses of government, .....	750 00
Legislature, .....	71,252 70
Court of Errors, .....	10,286 10
State Prison at Mount-Pleasant, .....	46,123 73
Transportation of convicts, .....	10,335 51
Common schools, .....	100,000 00
Indian annuities, .....	17,066 37
Incidental expenses attending Indian affairs, .....	500 00
Sarah Doxstader, her annuity, .....	70 00
Agent of Onondaga Indians, .....	50 00
Schools in New-Stockbridge, .....	300 00
Attorney to Indians, .....	75 00
Regents of the University, .....	3,845 02
County Treasurers, .....	49,928 77
Brigade and Division inspectors, .....	4,410 00
Keepers of arsenals, .....	150 00
County clerks, .....	66 39
Gun-houses, .....	660 00
Courts' Martial, .....	999 98
Hospital in the city of New-York, .....	22,500 00
Support, &c. of deaf and dumb in New-York, .....	5,263 79
do do Central Asylum, ....	1,473 34
Eye infirmary, New-York, .....	1,000 00
Support of foreign poor in the city of New-York, ....	15,000 00
Bounties for wolves, .....	1,012 50
State Library, .....	1,064 01
Repairs of the State Hall, .....	56 46
Postage, .....	2,034 61
Commissary-General's department, .....	5,424 77
Adjutant-General's do .....	339 75
Sheriffs, .....	5,340 86
Counsel to assist Attorney-General, &c. ....	5,500 00

Carried forward,....\$

Brought forward,.... \$	
Costs of suits,.....	1,393 29
Purchase of Indian lands, .....	18,845 34
Apprehension of criminals and fugitives from justice, .....	3,499 53
Surveys of public lands, .....	609 91
James Minor, his annuity,.....	30 00
Jeremiah Ryan, do .....	100 00
Frederick Sammons, do .....	100 00
Bounty on salt, .....	676 68
Surveys of canal routes, .....	3,719 80
Publishing and revising the laws, .....	2,962 48
Commissioners of the canal fund,....	1,414,207 38
Canal stock purchased for acc't of common school fund	11,174 00
Loan to Broome county,....	4,500 00
do Cattaraugus do .....	3,300 00
do Clinton do .....	9,500 00
Draining Cayuga marshes, .....	132 64
do Madison do .....	1,911 00
College of physicians and surgeons in the city of N. Y.	500 00
Orphan Asylum, in the city of New-York,.....	500 00
Discoverers of forfeited estates,.....	36 11
Sales of escheated lands,.....	446 50
Redemptions of lands, sold for taxes, and arrears of consideration money refunded to the purchasers,	7,939 29
Printing for the State,.....	13,177 99
Erroneous payments into the treasury, refunded, ...	385 05
Support of infirm slaves, &c.....	149 11
Roads,.....	13,957 98
Instalment on Mechanics' and Farmers' bank stock,	4,225 00
Miscellaneous payments,.....	18,887 96
	<hr/>
	\$1,968,528 83
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**Dr. ABRAHAM KEYSER, Treasurer, in account with the State of New-York. Cr.**

[A. N. O. 34.]

1829.		1830.	
Dec. 1.	To balance due the state, .....	\$44,793 56	Nov. 30. By amount of payments from 1st day of December, 1829, to this date both days included, .....\$1,968,528 83
	Amount of receipts from this date, to the 30th November, 1830, both days included, .....	1,993,629 11	Balance, ..... 69,893 84
		<u>\$2,038,422 67</u>	<u>\$2,038,422 67</u>

1830.		1830.	
Nov. 30.	To balance brought down, .....	\$69,893 84	Nov. 30. By amount of balance in the Commercial bank, in which the public monies are directed by law to be deposited, .....\$69,626 87
	To amount of outstanding drafts on the Commercial bank, .....	1,696 88	Do. in the Manhattan bank, ..... 18,728 88
	To deposits made by J. Storrs, .....	180 00	
	do do J. Mappa, .....	180 00	
	To amount of uncertified deposits made in the Manhattan bank, .....	591 41	
	To outstanding drafts on do. ....	15,813 62	
		<u>\$88,355 75</u>	<u>\$88,355 75</u>

A. KEYSER, Treasurer.

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Dr. ABRAHAM KEYSER, Treasurer, in account with the State of New-York. Cr.

1829.	1830.
Dec. 1. To balance due the state, ..... \$44,793 56	Nov. 30. By amount of payments from 1st day of December, 1829, to this date both days included, ..... \$1,968,528 83
To amount of receipts from this date, to the 30th November, 1830, both days included, ..... 1,993,629 11	Balance, ..... 69,893 84
	\$2,038,422 67

1830.	1830.
Nov. 30. To balance brought down, ..... \$69,893 84	Nov. 30. By amount of balance in the Commercial bank, in which the public monies are directed by law to be deposited, ..... \$69,626 87
To amount of outstanding drafts on the Commercial bank, ..... 1,696 88	Do. in the Manhattan bank, ..... 18,728 86
To deposits made by J. Storrs, ..... 180 00	
do do J. Mappa, ..... 180 00	
To amount of uncertified deposits made in the Manhattan bank, ..... 591 41	
To outstanding drafts on do. .... 15,813 62	
	\$88,355 75

A. KEYSER, Treasurer.





# Dr. ABRAHAM KEYSER, Treasurer, in account with the State of New-York.

[A. N. 34.]

1829.		1830.	
Dec. 1.	To balance due the state, .....	\$44,793 56	Nov. 30. By amount of payments from 1st day of December, 1829, to this date both days included, .....
	Amount of receipts from this date, to the 30th November, 1830, both days included, .....	1,993,629 11	\$1,968,528 83
			Balance, .....
		\$2,038,422 67	\$2,038,422 67

1830.		1830.	
Nov. 30.	To balance brought down, .....	\$69,893 84	Nov. 30. By amount of balance in the Commercial bank, in which the public monies are directed by law to be deposited, .....
	To amount of outstanding drafts on the Commercial bank, .....	1,696 88	\$69,626 87
	To deposits made by J. Storrs, .....	180 00	18,728 88
	do do J. Mappa, .....	180 00	
	To amount of uncertified deposits made in the Manhattan bank, .....	591 41	
	To outstanding drafts on do. ....	15,813 62	
		\$88,355 75	\$88,355 75

A. KEYSER, Treasurer.

In pursuance of title four, of chapter eight, of the first part of the Revised Statutes, the undersigned, a committee appointed for that purpose, by a concurrent resolution of the Senate and Assembly, do certify, that we have examined the accounts and vouchers relating to the monies received into and paid out of the treasury for the year commencing on the first day of December, 1829, and ending on the last day of November, 1830, both days inclusive ; and that we find by the accounts of the Treasurer, and by the books and certificates of the Comptroller, that during the period above mentioned, the sum of one million nine hundred and ninety-three thousand six hundred and twenty-nine dollars and eleven cents, has been received by the Treasurer, and that the balance in the treasury, on the said first day of December, was sixty-nine thousand eight hundred and ninety-three dollars and eighty-four cents, as appeared by the same accounts, which together amount to two millions and thirty-eight thousand four hundred and twenty-two dollars and sixty-seven cents. That the payments out of the treasury, during the same time, as appears by the warrants and vouchers presented to us, all of which we have examined, amount to one million nine hundred and sixty-eight thousand five hundred and twenty-eight dollars and eighty-three cents ; leaving a balance in the treasury, on the said thirtieth day of November last, of sixty-nine thousand eight hundred and ninety-three dollars and eighty-four cents.

And we do further certify, that we have examined the Treasurer's bank book with the Commercial Bank, in the city of Albany, by which it appears, that on the day last mentioned, there was a balance of public monies standing to the credit of the said Treasurer, in said bank, of sixty-nine thousand six hundred and twenty-six dollars and eighty-seven cents. That we have also examined the statements signed by the cashier of the Manhattan Company in the city of New-York, by which it appears that there was, of public monies standing to the credit of the Treasurer, in the said company's book, the sum of eighteen thousand seven hundred and twenty-eight dollars and eighty-eight cents, which balances in the aggregate amount to eighty-eight thousand three hundred and fifty-five dollars and seventy-five cents, and which exceed the balance required, eighteen thousand four hundred and sixty-one dollars and ninety-one cents, arising as appears from the certificate of the Comptroller, in the following manner : First—The amount of one thousand six hundred and ninety-six dollars and eighty-eight cents from checks drawn

by the Treasurer, and unpaid on the day aforesaid. Second—The amount of five hundred and ninety-one dollars and forty-one cents, from deposits in the Manhattan Company, uncertified to the Treasurer, but appearing in the account of said company. Third—The amount of fifteen thousand eight hundred and thirteen dollars and sixty-two cents from checks drawn by the Treasurer, and unpaid on the day aforesaid. Fourth—There is also a special deposit to the credit of the Treasurer, in the Commercial Bank, of three hundred and sixty dollars, made by J. Mappa and J. Stoors, which is not yet charged to the account of the Treasurer, in the books of the Comptroller.

And we do further certify, that we have compared the warrants drawn by the Comptroller, upon the treasury, during the same time, with the several acts of the Legislature, under which they were drawn, and find them all to have been properly drawn, with the exceptions mentioned in our report to the Legislature of this date.

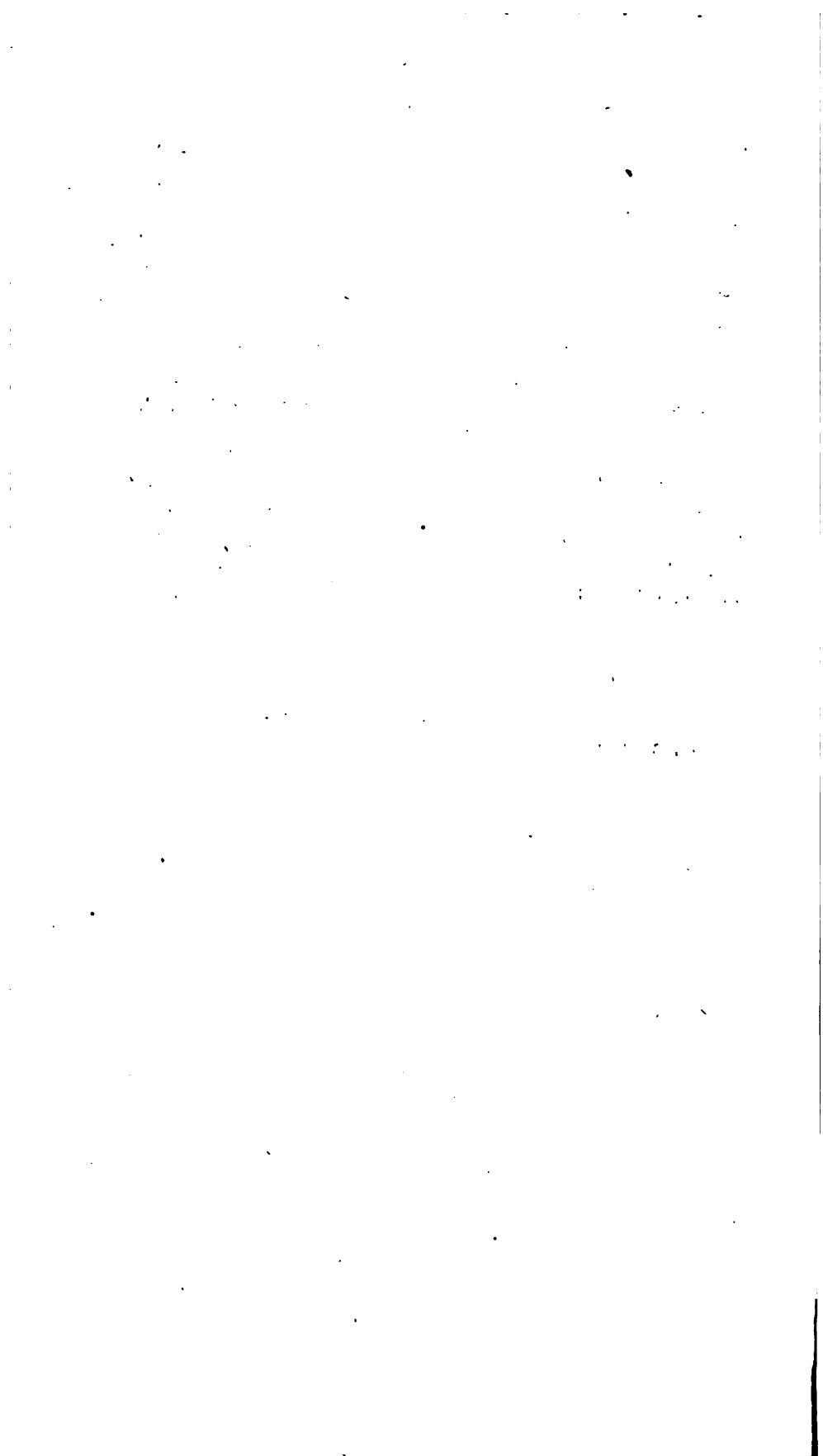
N. S. BENTON,

J. B. GOSMAN,

A. MANN, JUN.

*Members of the Joint Committee.*

*January 7, 1831.*



**IN ASSEMBLY,**

**January 14, 1831.**

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**REPORT**

**Of the select committee on the bill concerning the courts of common pleas and general sessions of the peace in and for the county of Columbia.**

Mr. Edmonds, from the select committee, to which was referred the bill, entitled "An act to amend an act, entitled 'An act relative to the courts of common pleas and general sessions of the peace in and for the county of Columbia,' passed January 13, 1830,"

**REPORTED—**

That for some years past, the circuit court and court of common pleas, have been held in that county, in the month of September. This arrangement was found so inconvenient, that the act of last year was passed for the purpose of removing those courts further from each other. Since the passage of that act, the time of holding the fall circuit, has been changed to the week following that appointed for the fall term of the common pleas. Thus the old inconveniences have returned again, and the bill under consideration proposes to remedy them by changing the term of the common pleas back again to the month of September. The committee think the remedy proper, and that the bill ought to pass, and recommend that it be engrossed for a third reading.

only a small number of the total population. The 1990 census of the United States reported that 10.5 million people, or 4.1% of the total population, were foreign born. The majority of these people were from Latin America, Europe, and Asia. The majority of the foreign born population in the United States are concentrated in the Northeast, Midwest, and South. The majority of the foreign born population in the United States are concentrated in the Northeast, Midwest, and South.

[illegible]

**No. 36.**

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**IN ASSEMBLY,**

**January 14, 1831.**

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**ANNUAL REPORT**

**Of Nathan Roberts, an Inspector of Lumber for the  
city and county of New-York.**

*To the Honorable the Legislature of the State of New-York.*

Agreeable to Revised Statutes, chapter 17th, title 2nd, article 6th and 12th, I, as an inspector of lumber, beg leave to present to your honorable body, the following return of Lumber inspected by me from the 5th of March, 1830, to 1st Jan. 1831.

[A. No. 36.]

1



# LUMBER INSPECTED.

	Inspected.	Merchandise.	Second.	Refuse.	Value per Quantity.		
Yellow pine plank and boards, .....	M. Feet.	53,111	21,561	141	\$20 00	To	\$28 00
White pine plank, .....	do.	18,841	18,903	.....	20 00	To	30 00
Oak plank and boards, .....	do.	154,182	76,631	12,809	15 00	To	36 50
Birdseye maple do. ....	do.	140	.....	370	12 00	To	25 00
Oak knees, .....	Inch.	1,149	.....	624	12	To	40
Spruce knees, .....	do.	292	.....	5	12	To	25
Ash timber, .....	do.	472	.....	.....	7	To	7
Yellow pine timber, .....	cubic feet.	12,217	.....	3,971	16	To	25
Live oak do. ....	do.	160	.....	102	25	To	50
Locust do. ....	do.	1,486	.....	373	38	To	88
Apple do. ....	do.	20	.....	24	8	To	15
Oak do. ....	do.	3,420	.....	1,235	12	To	25
White pine do. ....	do.	26,867	.....	6,400	8	To	16
Red cedar do. ....	do.	1,963	.....	1,812	15	To	35
White pine spars, .....	Inch.	1,987	.....	283	31	To	1 50
Spruce do. ....	Piece.	317	.....	41	1 50	To	7 00
do. ....	Inch.	15,716	.....	15,995	4	To	14
White pine sawed, .....	M. Feet.	58,689	.....	46,367	5 00	To	11 00
Spruce do. ....	do.	20,021	.....	11,067	4 00	To	9 00
Hemlock do. ....	do.	37,631	.....	47,043	3 00	To	6 00

Value of the above at prices current, about \$28,500.      Fees, \$596 44.      Errors excepted.

**REMARKS.**

Could all sides of raft timber be exposed to view when inspected, I think it would command a higher price; and that confidence established between the buyer and the seller, necessary in a market like this. The present method of inspecting timber in the water precludes all possibility of determining the quality of timber upon any correct principle.

**NATHAN ROBERTS,**  
*Inspector.*

*New-York, Jan. 10th, 1831.*

1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the uncertainty of the position and momentum of the particles.

2. The second part of the paper is devoted to a discussion of the structure of the nucleus. It is shown that the structure of the nucleus is determined by the laws of quantum mechanics, which are based on the principle of the uncertainty of the position and momentum of the particles.

3. The third part of the paper is devoted to a discussion of the structure of the molecule. It is shown that the structure of the molecule is determined by the laws of quantum mechanics, which are based on the principle of the uncertainty of the position and momentum of the particles.

4. The fourth part of the paper is devoted to a discussion of the structure of the crystal. It is shown that the structure of the crystal is determined by the laws of quantum mechanics, which are based on the principle of the uncertainty of the position and momentum of the particles.

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6. The fifth part of the paper is devoted to a discussion of the structure of the liquid. It is shown that the structure of the liquid is determined by the laws of quantum mechanics, which are based on the principle of the uncertainty of the position and momentum of the particles.

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No. 37.

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**IN ASSEMBLY,**

**January 17, 1831.**

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**ANNUAL REPORT OF THE COMPTROLLER.**

COMPTROLLER'S OFFICE, }  
Albany, 17 January, 1831. }

The Hon. GEORGE R. DAVIS,  
*Speaker of the Assembly.*

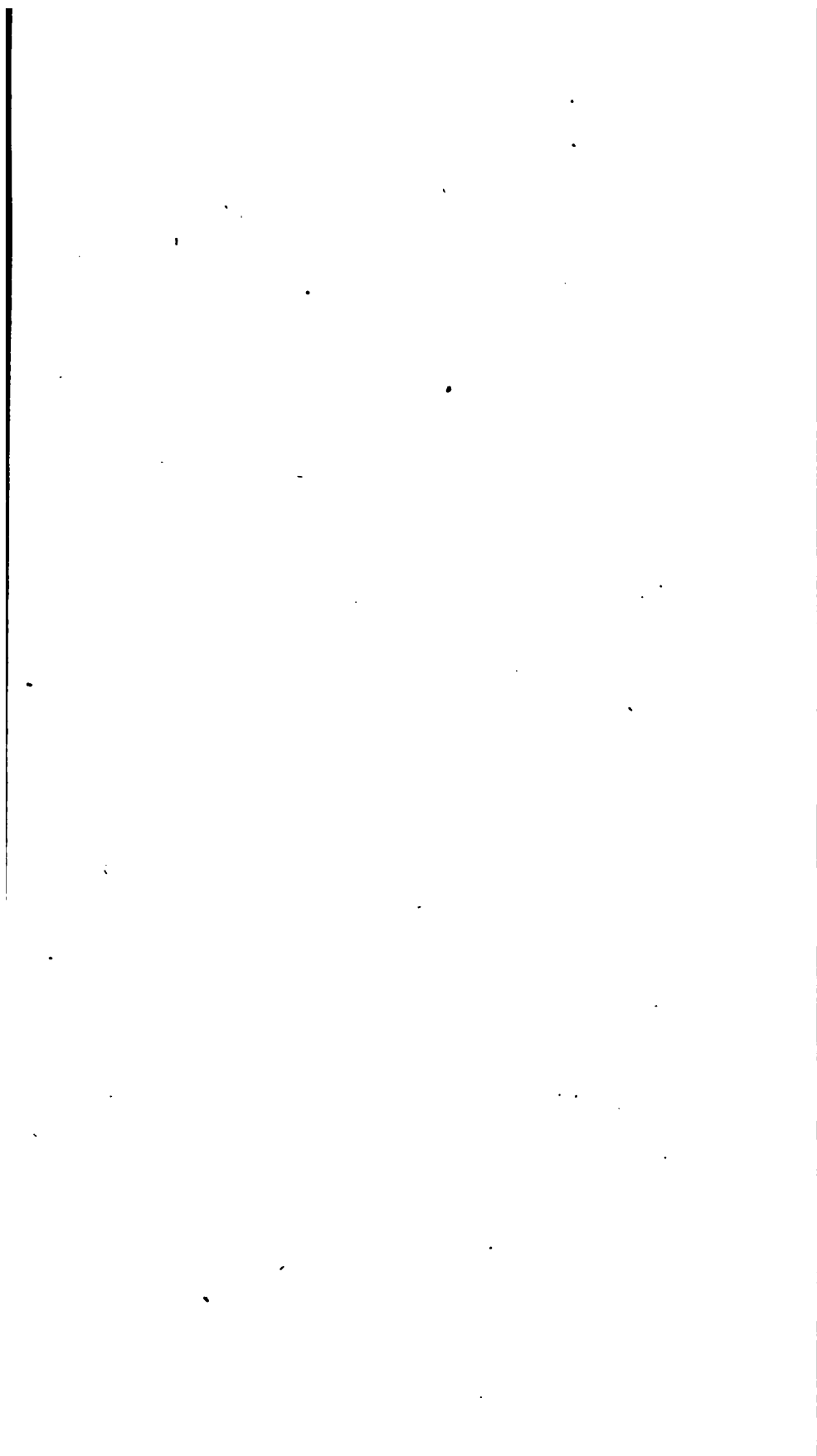
SIR—I have the honor herewith to transmit to the Honorable the Assembly the annual report required from this office.

I am, with great respect,

Your obedient servant,

SILAS WRIGHT, JR.

[A. No. 37.]



# REPORT, &c.

STATE OF NEW-YORK, }  
COMPTROLLER'S OFFICE. }  
*Albany, 17th January, 1831.*

The Comptroller, in obedience to Chapter VIII. Title 3, Article 1, of the first part of the Revised Statutes of this state, has the honor to submit to the Legislature the following

## REPORT.

### FUNDS.

The several funds belonging to this state, an account of which is embraced in this report, are the following, viz: General Fund, Common School Fund, Canal Fund and Literature Fund.

#### GENERAL FUND.

The General Fund consists of the following items: (See statement A.)

608 shares in the stock of the Bank of	
America,.....	\$60,800 00
300 do do Bank of Hudson,.....	15,000 00
50 do do Bank of Columbia,.....	20,000 00
845 do do Mechanics' & Farmers' Bank,	14,365 00
600 do do New-York State Bank,....	16,800 00
	<hr/>
	\$126,965 00
Bonds and mortgages for lands sold,.....	792,387 33
do do for loans to individuals and oth-	
ers, .....	369,771 34
do do for sundry debts due the state,	23,161 19
	<hr/>
	\$1,312,284 86
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## CANAL FUND.

This fund consists of the following items, viz :

Lands granted for the construction of the canals, by the state, by companies and by individuals, remaining unsold ; and also the canals themselves. To this fund belong also a part of the auction duty, the whole of the salt tax, and the canal tolls ; but as the whole receipts from all these sources are applicable in common to the construction and repair of the canals and the extinguishment of the canal debt, no distinction is made between capital and revenue.

## COMMON SCHOOL FUND.

This fund consists of the following items, viz : (See statement B.)

Bonds and mortgages for lands sold, .....	\$242,613 52
Bond for loan from the capital, .....	18,800 00
Balance due on loan of 1786, .....	10,157 22
do do 1792, .....	300,073 54
do do 1808, .....	393,461 53
Canal stock, bearing an interest of 5 per cent, ...	407,000 00
3,600 shares in the stock of the Merchants' Bank, .....	\$180,000 00
1,000 do do Manhattan Company, .....	50,000 00
2,000 do do Middle Dist. Bank, .....	50,000 00
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	280,000 00
Money in the treasury, being balance of receipts from the capital, .....	88,463 85
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	\$1,735,569 66
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To this fund also belong all the unappropriated lands owned by the state, on the 1st January, 1823, and yet remaining unsold.

## LITERATURE FUND.

The fund for the promotion of literature consists of the following items : (See statement C.)

Bonds for lands sold, .....	\$161,720 22
do for loans of the capital, .....	6,449 02
Money in the treasury, being balance of receipts from the capital, .....	16,866 91
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	185,036 15
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Amount carried forward, .....	\$185,036 15

Amount brought forward,..... \$185,036 15

In addition to the foregoing, the treasurer of the Regents of the University has furnished an account of that part of the fund subject to their immediate direction, as follows :

579 shares of the New-York State Bank, at \$28 each share,.....	\$16,212 00	
100 do Albany Insurance Company, at \$60 each share,.....	6,000 00	
Loans made to individuals, .....	18,572 50	
Six per cent stock, .....	8,743 00	
Five per cent stock, .....	21,779 87	
		\$71,307 37
		<u>\$256,343 52</u>

## REVENUE.

### GENERAL FUND.

*Estimated Revenue, applicable to the ordinary Expenses of Government for the current year.*

Dividend on stock of Bank of America, .	\$3,200 00	
do do Bank of Columbia, (insolvent) .....	000 00	
do do Bank of Hudson, (insolvent) .....	000 00	
do do Mechanics' and Farmers' Bank, ....	1,100 00	
do do N. Y. State Bank, .	1,400 00	
Interest on bonds for lands sold, .....	45,000 00	
do on bonds for loans to individuals, .....	20,000 00	
do on bonds for sundry debts due the state, .....	500 00	
Fees of public offices, .....	600 00	
Pedlers' licenses, .....	1,200 00	
Interest on arrears of county taxes, .....	4,000 00	
Miscellaneous sources of revenue, .....	1,500 00	
		\$78,500 00
Principal of bonds for lands, .....	20,000 00	
		<u>\$78,500 00</u>
Amount carried forward, ..	\$20,000 00	\$78,500 00



Amount brought forward, .	\$20,000 00	\$78,500 00
Principal of bonds for loans to individuals, 10,000 00		
First payment on sales of lands, . . . . .	5,000 00	
		35,000 00
		<u>\$118,500 00</u>

*Estimate of the ordinary Expenses of Government for the current year.*

Salaries of the officers of government, including office expenses, . . . . .	\$50,000 00	
Compensation of the members and officers of the Legislature, including expenses of both houses, . . . . .	72,000 00	
Compensation of members of the Court for the Correction of Errors, and expenses, . . . . .	7,500 00	
State prisons, for additional building and general support of the prison at Mount-Pleasant, and transportation of convicts, . . . . .	45,000 00	
Annuities to Indians, including all expenses relating to Indian affairs, . . .	18,000 00	
Sheriffs, for allowances formerly made by the Court of Exchequer, . . . . .	2,000 00	
Printing, . . . . .	18,000 00	
Brigade inspectors, . . . . .	4,500 00	
Commissary's department, . . . . .	6,000 00	
Miscellaneous expenses, . . . . .	40,000 00	
Apprehension of criminals, and incidental expenses of government by the executive, . . . . .	2,000 00	
Courts martial, and courts of inquiry, ..	1,200 00	
Support and instruction of indigent deaf and dumb, . . . . .	7,000 00	
Postage of official letters, . . . . .	1,500 00	
Deficiency in the Oswego canal fund, . .	21,500 00	
do in the tolls of the Cayuga and Seneca canals, . . . . .	11,000 00	
		<u>\$302,200 00</u>

**COMMON SCHOOL FUND.**

The revenue from this fund is estimated as follows :

Interest on loan of 1786,.....	\$700 00	
do. do. 1792,.....	18,000 00	
do. do. 1808,.....	24,000 00	
Interest on bonds taken for School Fund		
lands,.....	18,000 00	
do. do. for loan of the capital,	1,300 00	
do. on canal stock,.....	20,350 00	
do. on money in the treasury to		
be invested,.....	4,000 00	
Dividend on Merchants' bank stock,..	11,500 00	
do. on Manhattan do.....	3,500 00	
do. on Middle District do. (insol.)	0 00	
Clerk's fees,.....	200 00	
	<hr/>	\$101,550 00
		<hr/>

**LITERATURE FUND.**

*Payable into the Treasury of the State.*

The revenue of this fund is estimated as follows :

Interest on bonds for lands sold,.....	\$10,000 00	
do. do. for loans from the capital of the fund,	500 00	
	<hr/>	10,500 00

*Payable to the Treasurer of the Regents.*

Interest on \$8,743 00, canal stock, at 6		
per cent.....	524 60	
do. on \$21,779 87 do. do. at 5		
per cent.....	1,089 00	
Dividend on N. York State bank stock,	1,379 58	
Interest on Albany Insurance Co. Stock,		
Albany City Stock, and loans to in-		
dividuals,.....	1,876 90	
Interest on money in the state treasury,		
when invested, at 5 per cent.....	1,250 00	
	<hr/>	6,120 08
		<hr/>
		\$16,620.00
		<hr/>

**DEBT OF THE STATE.****CANAL DEBT.**

Loaned at 6 per cent.....	2,943,500 00
Loaned at 5 per cent.....	4,881,535 00
	<u>\$7,825,035 00</u>

**REMARKS.****STATE OF THE TREASURY.**

The receipts into the treasury, for the year ending 30th November last, (see Statement D.) amount to .....	\$1,993,629 11
Balance in the treasury, on the 1st December, 1829,.....	<u>44,793 56</u>

2,038,422 67

During the same period, there has been paid out of the treasury, as follows, viz :

Amount of warrants out standing, 30th November, 1829,.....	\$594 53
Amount of warrants drawn during the year. (see Statement E.)..	1,968,724 78
	<u>1,969,319 31</u>

Less, amount of warrants out standing 30th November, 1830,.....	790 48	<u>1,968,528 83</u>
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Leaving a balance in the treasury, on the 30th November, 1830, applicable to the ordinary expenses of government, and to meet the claims of the common school and literature funds on the treasury, of.....	<u>69,893 84</u>
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Amount due from the general fund to the common school and literature funds, as follows, viz :

To the com. school fund capital,..	83,463 85	
Revenue,	100,678 60	184,142 45
	<u></u>	<u>184,142 45</u>
Amount carried forward,.....		\$184,142 45

Amount brought forward,.....		\$184,143 45
To the literature fund, viz : capital,	\$16,780 54	
Revenue,	12,790 77	29,571 31
<hr/>		
Total amount due from the general fund, to specific funds,.....		213,713 76
From which deduct the balance in the treasury, on the 30th November, 1830, as above,.....		69,893 84
<hr/>		
And there will remain a deficit of means in the treasury, to meet the debt to the specific funds, of,.....		\$143,819 92
<hr/>		

*Expenditures of the year 1830, over and above the income of the General Fund.*

Principal of bonds and mortgages for lands, received, and expended,.....		\$23,267 27
do. of do. for loans to individuals, &c. received and expended,.....		17,124 59
do. of miscellaneous bonds, received and expended,.....		158 43
First payments on sales of lands, received and expended,.....		25,298 66
Mohawk Bank Stock, received and expended,.....		5,000 00
Increased deficit of means in the treasury, on the 1st of December, 1830, to meet the debt to the specific funds, beyond the deficit on the 1st Dec. 1829, viz : deficit on the 1st December, 1830,.....	\$143,819 92	
From which deduct the deficit on the 1st Dec. 1829,.....	113,571 58	30,248 34
<hr/>		
Making the expenditure of the year, over the income,.....		\$101,097 29
<hr/>		

The debt standing against the treasury, on the 1st day of December last, as is shown by the foregoing abstract of the fiscal concerns of year 1830, was \$143,819.92, beyond any means then existing and available for payment. That debt, at the close of the last fiscal year, was \$113,571.58, a sum less than its present amount, by \$30,248.34. The estimated receipts for the last year, exceeded the estimated expenditures, by the sum of \$37,600, and, as it was then supposed that this excess would be applicable to the reduction of the then existing debt, it was computed that the debt against the treasury at the close of that year, would be reduced to \$75,971.58. Instead of that reduction, an increase of more than \$30,000 has been experienced, and the balance now unpaid, and without the means of payment, is larger than was then anticipated, by the sum of \$67,848.34.

The estimated ordinary expenses of the government,	
for the year 1831, are, as seen by the estimate,...	\$302,200 00
The estimated receipts from the general fund, for	
the same year, are,.....	113,500 00

---

Leaving a deficiency in the estimated receipts to  
meet the estimated expenses, of..... \$188,700 00

This sum, therefore, at the close of the present fiscal year, must remain to be added to the present debt against the treasury, and to swell that debt to more than \$332,000. This too is without any allowance for unforeseen expenditures, or extraordinary appropriations, during the year; while the above comparison between the estimates and expenditures for the past year, will show that very considerable augmentations of this debt, beyond its estimated amount, must be expected from these causes.

The very great difference between the estimated receipts of the present and the past year, will not fail to attract the attention, while the cause of the variance may not present itself to the minds of all. In the estimate of the last year, \$150,000 were included as the contemplated receipts from the tax sale, while no such sale is to take place during the present year; and the ordinary receipts from arrears of taxes outstanding, may be expected to be uncommonly low, in consequence of the diminished amount of the unpaid balance, and the unusual payments which always precede the press occasioned by a sale. This item of income, it is believed, is estimated as high

as it will bear, at \$4,000. During the last year, a vigorous attempt was made to collect the arrears of interest upon the land obligations, and the estimated receipts from that source having been made with reference to these collections, were put \$40,000 higher than the same estimates for the present year.

From these causes has principally arisen the difference between the two estimates; and still as similar collections are to be made during the present year, in all cases where more than two years of interest remains due, and where the Legislature have not otherwise directed, the estimate of receipts from these obligations for 1831, is more than the sum ordinarily realized when heavier balances were outstanding, but when forced collections were not resorted to.

A considerable increase of the ordinary expenses will also be discovered, by a comparison of the estimate of the present with that for the last year. Nearly the whole of this increase will be accounted for by the fact that estimates for the deficiencies in the revenues of the Oswego, and Cayuga and Seneca canals, to meet the payments chargeable upon them, amounting to \$32,500, and which deficiencies are, by the act of the 20th April, 1830, made permanently chargeable upon the general fund, are included in the estimate of the ordinary expenses of the present year.

It may be proper in this place also to notice the difference between the estimates of the payments from the treasury, for the last year, and the actual payments which appear to have been made, so far as they affect the general fund. The estimated amount of ordinary expenses for the last year was \$264,000, and the actual payments from the treasury for the same year, for account of the general fund, amount to \$415,019.99, a sum greater than the estimated ordinary expenses, by ..... \$151,019 99

The following payments, not contemplated in the estimate, will account for the most of this excess:

To county treasurers, for balances due to them on settlement of their accounts for non-resident taxes,.....

\$49,928 77

---

Carried forward,..... \$49,928 77 151,019 99

Brought forward, .....	\$49,928 77	151,019 99
Deficiencies in the Oswego canal fund, to meet the charges upon it, made chargeable upon the general fund, by chap. 288, of the laws of the last session, .....	14,374 50	
Deficiencies in the revenue of the Cay- uga and Seneca canal, to meet the in- terest of its debt and the costs of superintendence and repairs, made chargeable upon the general fund by the same act, .....	20,905 09	
Appropriation by the act for the relief of Nathan Underwood, chap. 264, of the last session, .....	2,081 38	
Appropriation by the act for the relief of Ezra Thorp, chap. 301, of the laws of the last session, .....	210 00	
Appropriation by act, chap. 66, of the last session, for survey of canal routes, .....	1,000 00	
Appropriation by act, chap. 114, of the last session, for the survey of canal routes, .....	600 00	
Appropriation by act, chap. 334, sec. 8, of the last session, for the survey of canal routes, .....	306 64	
Appropriation by the act, chap. 331, of the last session, for building an addi- tion to the Sing-Sing state prison, ..	10,000 00	
Making in all, .....		<u>\$99,406 38</u>
And leaving a balance, of the excess of payments for the year over the estimates, of .....		<u>\$51,613 61</u>

This balance will be accounted for mostly, by the payments of moneys coming into the treasury from redemptions of lands sold for taxes, from taxes levied to make roads, and from other miscellaneous sources, where the State is the mere agent to receive and pay the moneys, without any effect upon any of its funds, either from the

receipts or payments. The first of the above items is a regular annual payment, uncertain only in amount, and should not be considered as unanticipated, but for the fact, which is not usual, that the whole receipts from the arrears of taxes for the last year, will be found to form a part of the estimate of the means of the year, while nothing is embraced in the estimate of expenditures, to meet this payment. Still the general fund is not really affected by this advance, as the amount is only invested, and to be returned with interest, when the taxes shall be collected for which the advance is made. The second and third of the above items have now become regular subjects of charge upon the general fund, and therefore are made to constitute a part of the estimated ordinary expenses of the government. The residue of those items are entirely miscellaneous.

It will not escape attention, when the above state of the treasury is examined, that, during the last year, the sum of \$70,848.95 of the principal moneys of the general fund have been received into the treasury, and expended to meet the calls of the year, over and above the whole income of that fund, and over and above the debt contracted to the special funds for the use of moneys belonging to them, to supply the deficiency of available means.

The changes in the capital of the general fund, during the last fiscal year, will be found to have been considerable, and to have been mostly produced by the efforts to collect the arrears of interest due upon the land obligations. The result of these efforts has been the re-sale, by the Surveyor-General, of many of the lots, the bonds for which were delivered to him, and the purchase by him, for the state, of a very large share of the whole number of lots sold. As he is bound to bid the amount due to the state upon the lot, the effect of his purchases will necessarily be to diminish, to the amount of his bids, the item of bonds for lands; which diminution must continue as long as the lands bid in remain unsold. Of the mortgages also handed to the Attorney-General, many have been foreclosed, and many of the lands sold; but a small number only of these lots have been bid in for the state, the mortgaged premises, in most instances, bringing the amount of principal and interest charged upon them. The payments into the treasury of principal moneys, have also contributed largely to diminish the capital of this fund, as will be seen by the amount above



mentioned, of principal moneys received and expended during the last year.

A dividend of 50 per cent upon the stock held by the state in the Mechanics' and Farmers' Bank of Albany was made during the last year, and at the time the dividend became payable, a call of five dollars upon each share of the stock was made. This has produced the change in the amount of that stock.

Pursuant to the 13th sec. of tit. 8, chap. 8, of the first part of the Revised Statutes, the five thousand dollars of stock, owned by the state in the Mohawk Bank, was sold at par, deliverable on the first day of July last, but in consequence of the absence of the Comptroller, was not delivered until after that period. The money received for the stock was paid into the treasury as soon as realized. This transaction accounts for that diminution of the capital of the general fund.

The entire changes in that capital, for the year 1830, have been as follows :

	Increase.	Diminution.
Stock of the Mechanics' and Farmers' Bank, .....	\$4,225 00	
do Mohawk Bank, .....		\$5,000 00
Bonds and mortgages for lands sold, .....		13,925 77
do do for loans, &c. ....		17,124 59
do do for sundry debts due the state, .....		158 43
	<hr/>	<hr/>
	\$4,225 00	\$36,208 79
		4,225 00

Showing a nett diminution, within the last year, in the capital of this fund, of ..... \$31,983 79 while the large receipts from first payments upon the sales of lands, show that the lands remaining the property of this fund, are not only selling rapidly, but that heavy first payments are made, and consequently, that the avails of that branch of the fund are undergoing a more hurried diminution than that part of its capital existing in securities.

Of the estimated receipts for the present year, but \$78,500 can be called, in any sense, revenue ; and this, it is believed, is the present extent of the ability of the general fund, and of the sources of

revenue appropriated to it, to produce annual income. The residue of the anticipated receipts, amounting to \$35,000, are from payments of capital, and necessarily, therefore, subtract, to the amount of such payments, from the future ability of the fund to produce revenue.

The estimate of ordinary expenses, it has been seen, is \$188,700 more than the whole amount of estimated receipts both from capital and revenue, thus exhibiting, if the estimates are not widely erroneous, an amount of expenditure for ordinary purposes during the present year, very considerably more than double the whole amount of anticipated receipts. To this deficiency for the current year is to be added the amount of the debt shown to be due at the close of the last year, from the general fund to the common school and literature funds, over and above any balance of money in the treasury, being \$143,819.92. These sums together, amounting to \$332,519.92, constitute the calls upon the treasury which may be anticipated during the now current year, beyond any anticipated means to be derived from the ordinary receipts from the general fund, and the sources of revenue appropriated to that fund.

In the last annual report from this office, a detailed statement was given of the provisions existing in the present laws, and of the means within the power of the Comptroller, without the aid of further legislation, to supply the treasury with funds to meet any deficiencies in the annual receipts. As no material change has taken place since that report was made, affecting the practicability of a resort, either to the provisions of the law referred to, or to the means pointed out in that communication, the Legislature are respectfully referred to the suggestions there made, to avoid the necessity of a tiresome repetition.

The bank stock now composing part of the capital of the general fund, and believed to possess any value, consists of three items only, amounting together to \$91,965. The two smaller parcels of this stock may probably be sold at any period, at their fair market price, which is believed to be somewhat above the nominal value of the stock; but if the public reports are to be taken as the correct indications of the prices of stocks, the remaining parcel will not, at the present time, command its par value, nor indeed such a price as would seem to be warranted by the dividends received upon it; which, during the last year, have been a fraction more than 5¢ per

cent. The Comptroller will, however, feel himself bound, whenever the state of the treasury shall require it, to call upon the Governor for his advice in relation to the sale of any or all of these stocks, unless he should be otherwise directed by the Legislature.

The efforts made during the last year, in collecting the arrears of interest only upon the securities which compose the remaining part of the capital of the general fund, have furnished strong evidence upon which to found the belief that any attempt to supply the treasury by forced collections of principal due upon these securities, would, in a large majority of cases, produce real distress to the debtors, and bring very little into the hands of the state, other than the lands it has sold. Little more, therefore, in the opinion of the Comptroller, can be expected from this source, whatever may be the course taken, than the amounts estimated to be received.

If these anticipations are well founded, it would seem that the resort to loans, authorised by law, will be indispensable during the present year, should the Legislature provide no other resource from which the calls upon the treasury may be met. The suggestions in the last annual report, as to the time for which these loans must now be made, are respectfully referred to, as it may be thought advisable to render that time more definite.

Among the duties enjoined by the law requiring this report, is that of suggesting plans for the improvement of the public revenues. That the revenues appropriated to, and derivable from the general fund, require improvement, to answer the objects for which that fund has been instituted, and hitherto sustained, is without question. That collections from the capital of this fund cannot be made to answer, for any considerable period, the wants of the treasury, is equally clear. The choice, therefore, of plans for improving this branch of the public revenues, would seem to be confined to two alternatives, viz: that of borrowing money upon the credit of the state to meet the deficiencies, which may, from time to time, be found to exist in the treasury; or that of adopting some mode of taxation which shall eventually supersede the necessity of other aid to this fund. The opinions of the Comptroller upon these points, formed upon mature deliberation, and after much examination into the history and present power of the fund to produce revenue, and the plan of improvement recommended by him, and which, in his judgment, it would be most wise to adopt, will be found in his last annual report to the Legislature. The detail at that time given to

support his conclusions, cannot now require repetition, though the facts presented may be interesting to some, and are therefore respectfully referred to.

In the recommendation then made, of imposing a general tax upon the real and personal property within the state, to be levied and collected upon the same principles which govern the assessment and collection of the ordinary town and county taxes, as a mode of supplying the treasury, and a plan of improving this branch of the public revenue, far preferable to a system of borrowing money, and accumulating a public debt, the fullest confidence is still entertained; and, if the Comptroller be not mistaken in the belief that one of these alternatives must be adopted, he unhesitatingly recommends the former to the consideration of the Legislature.

#### SCHOOL FUND.

On the 30th day of November, 1829, the sum of \$45,091.72, of principal moneys belonging to the school fund, remained in the treasury to be invested. Of this amount \$11,174.00, were invested as of the 1st January, 1830, in canal stock, issued for the Cayuga and Seneca canal, pursuant to the act, chap. 325, of the laws of 1829. Three several loans have also, during the past year, been made from the capital moneys of this fund as follows, to wit: To the county of Broome, pursuant to Chap. 25, of 1830, \$4,500. To the county of Cattaraugus, pursuant to Chap. 109, of the same year, \$3,300; and to the county of Clinton, pursuant to Chap. 261, of the same year, \$9,500. Showing the whole amount of investments, within the last fiscal year, to be \$28,474. The amount of the capital of this fund remaining uninvested, on the 30th November last, has increased, by the usual receipts of the year 1830, to the sum of \$83,463.85. No opportunities of investment, authorised by the existing laws, have presented themselves which have not been improved, and yet it has been found impracticable to make investments, at rates which were considered for the interest of the fund, so as to keep pace with the receipts of capital moneys into the treasury. The fact, that the loan-officers, and commissioners of loans of the several counties of the state, are now directed by law not to re-loan principal moneys received by them, but to pay the same into the treasury, has, during the past year, and will, for the future, increase very considerably the annual receipts of these moneys. It may, therefore, be necessary for the Legislature to extend the provisions at present existing in relation to these investments; and it

is respectfully suggested whether some provision, connected with the making of loans upon the credit of the state, so far as any such loans shall remain to be made by virtue of any existing law, or may be directed to be made by any future law, does not present the most safe and suitable opportunity, within the power of the Legislature to ensure a prompt investment of such portions of the capital of this fund, as may, from time to time, remain in the treasury.

The revenue from this fund, for the last year, has fallen something short of the estimate, but has, for the first time in several years, exceeded the amount directed to be annually distributed. The receipts have been \$100,678.60; yielding an excess beyond the distribution, of only \$678.60. The estimate for the present year, if realized, will also meet the sum to be distributed, and may, if the capital in the treasury is soon invested, somewhat exceed that amount; but it is not probable, in any event, that an excess so large, as to authorise any alteration in the distribution, will be at present received.

#### LITERATURE FUND.

Pursuant to the directions of the act of the 16th April last, \$30,977.14 in amount, of bonds for lands belonging to the Oswego canal fund, have been transferred to the literature fund, in exchange for an equal amount of Erie and Champlain canal stock, belonging to the literature fund, and held by the Regents of the University in trust for that fund. The effect of this transfer upon this fund has been to change that amount of the capital from the hands of the Regents to this office, and to add to the fund the above amount of bonds drawing an interest of six per cent for the same amount of stock drawing five per cent. There is now in the treasury of capital moneys belonging to this fund, \$16,780.54. in relation to the investment of which, the same observations will apply, which have been before made in reference to the investment of the school fund moneys. No investment of any part of the capital of this fund, in charge of the Comptroller, has been made within the last year, for the same reasons which have suffered larger amounts of the school fund moneys to remain uninvested.

The revenue received at the treasury during the last year, belonging to this fund, amounted to \$12,790.77, and the estimated revenue for the present year, both upon the capital in the hands of the Regents and in this office, is \$16,620.08.

## COUNTY LOANS.

All the principal moneys upon the loan of 1786, which were unpaid on the first Tuesday of May, 1829, became on that day due and payable. The officers having charge of that loan were instructed, with as little delay as should be found consistent with the safety of collections, and a due regard to the interest of the debtors, to make a final close of it. There was then outstanding, of principal of this loan, .....\$30,095 21

There was paid of principal in 1829, .....\$9,430 21

do do do 1830, .....10,507 78

19,937 99

Leaving of the principal of this loan, yet unpaid, only \$10,157 22

It is believed that the present year will produce a final payment of the whole loan, unless there should be some losses sustained which the counties may not be prepared to make up, until the collection of another annual tax.

While upon the subject of the liability of the counties for this loan, it is proper to draw the attention of the Legislature to section 46, of title 2, chapter 12, of the first part of the Revised Statutes. The Comptroller has been led to believe that the provisions of that section, if he rightly understands them, were extended to the loans of 1786 and 1792 by inadvertence, and not through any intention in the Legislature to discharge the counties from their liability to make good all losses sustained in either of these loans. The officers in whose charge these loans are, continue to be appointed by the boards of supervisors of their respective counties, and to give bail to them; and it cannot be true that the Legislature designed to make the state responsible for the acts of officers, whose sole duty consists in managing funds originally loaned upon the credit of their counties, without having transferred into the hands of the state authorities the control over the appointment and removal of such officers, and without having made them responsible to the state, instead of the county for which they act. This conclusion is also confirmed by a reference to the section of the former law of which this is the revision. (See laws of 1824, page 341, sec. 5.) In the original provision the term "Loan-Officers" is not found, and the provision of the section being restricted to lands bid in "by commissioners of loans" is entirely confined to losses sustained in the loan of 1808, which is

in the charge of these last named officers. The mistake may easily have occurred by not having observed, in this particular instance, the effect of confounding the terms "Loan-Officers" and "Commissioners of Loans." The former officers have the charge of the loans of 1786 and 1792; they are appointed by the boards of supervisors of their counties; are removable by them, and are responsible only to them; and the counties were originally, and have continued to be, held responsible to make good all losses sustained in either of these loans. The latter officers, the Commissioners of Loans, or commissioners for loaning money, are appointed by the Governor and Senate, give bail to the state, and have charge of the loan of 1808—for the losses in which loan, the state is, and always has been, responsible.

A single instance has existed during the last year, where a "loan-officer" has demanded credit upon the books of this office, according to the provisions of the section referred to; but so confident was the Comptroller that the Legislature could not have intended to extend these provisions to the loans for which the counties were responsible, that he declined giving the credit until he could have an opportunity of presenting the question to the Legislature.

That duty is now performed, and he respectfully asks the attention of that body to the subject, as, unless otherwise instructed, he shall feel bound to consider the provision as intended to extend to all the county loans. The result of such a construction, and of the continuance of the law, must inevitably be a considerable loss to the capital of the school fund, as is abundantly proved by the frequent and heavy losses sustained in the loan of 1808.

The provisions of the 47th section of the same title, in the opinion of the Comptroller, ought to be extended to cases similar to those provided for by the section, but happening before that law was passed. There are now several cases where, upon the books of this office, the officers and commissioners appear to be in arrear with their payments of interest, and where the deficit is satisfactorily shown to have arisen from the entire inability of the officers to loan the money. The great iniquity of such a proceeding has hitherto prevented putting the bonds of such officers in suit to recover the interest accruing while the moneys remained in their hands, because they could not loan them upon the terms required by the law. Still, however, there is no power to give them credit, or to withdraw the charge made for this interest, but on the contrary, it

is the technical duty of the Comptroller to direct suits to be instituted against them.

Another suggestion connected with the loan of 1808 seems to be necessary. The direction to credit the commissioners in cases of loss, is contained in the 46th section above referred to, and is confined exclusively to cases where the mortgaged premises have been sold and bid in for the state. Several cases are now known to exist of the following description. The premises mortgaged to the commissioners were previously incumbered by mortgages or judgments, and have subsequently been sold under such prior incumbrances, by which an unquestionable title has been secured to, and perfected in, the purchaser. Still, the only way in which the commissioners can indemnify themselves against the charge upon the books of this office, for the money so lost, is to follow the course pointed out by the law under which they act, and go through the forms and expense of advertising and selling the premises, and bidding them in for the state, when, under the section referred to, and upon the conditions therein prescribed, they will entitle themselves to credits here, not only for the money so loaned and lost, but for the expenses of the foreclosure and sale. This, however, they are reluctant to do, when they know that not a shadow of title will be acquired for the state by the proceeding, and that the expense incurred will be so much added to the ascertained loss of the mortgaged money and interest in arrear.

All these cases, as yet known to exist, are cases where the mortgages were taken many years ago, and by commissioners not now in office, but who, together with their bail, are reported to be entirely insolvent, and some of whom have been ascertained to be so from recoveries had in favor of the state, for other official delinquencies previously ascertained, and in which collections cannot be made.

It is undoubtedly true, that every case of this kind must present presumptive evidence of fraud or gross negligence, on the part of the commissioner making the loan; but it is not perceived that any thing can be gained by compelling his successor to foreclose and sell the premises upon which he knows the mortgage, under which his sale is made, forms no valid lien, merely that he may indemnify himself against a charge for the money purporting to be secured by the deceptive instrument; and certainly, the costs of the proceeding



may be saved by enabling him to obtain that credit without incurring them.

The propriety of some provision to reach these cases, without unnecessary expense to the loan, is respectfully submitted to the Legislature.

Another case under this loan, of the following description, is presented. A. gives a mortgage to the commissioners, upon which he obtains a loan, but neglects entirely to pay the interest. The commissioners, being the successors of those who made the loan, advertise and sell the premises, and at their sale, B. bids the amount of principal, interest, and cost due upon the mortgage given by A., pays the interest and costs, and executes to the commissioners a new mortgage upon the same premises to secure the principal. It is afterwards ascertained that the mortgage given by A. did not form a valid lien upon the land described in it, either on account of a defect in his title, or on account of incumbrances existing prior to his mortgage to the commissioners; and, therefore, that B., by his bid at the commissioners' sale, acquired no title to the land. Upon this discovery, B. declines to make further payment of interest, and the commissioners again advertise and sell the premises on account of the default of B., when, no person appearing to bid the amount, they are bid in for the state. The commissioners then in office present the original mortgage of B., with the account of principal, and interest, and cost due at the time of this second sale, and their release to the state, and demand credit upon the books of this office, under the 46th section of the law. That credit cannot be given, because it is conceded that B. is perfectly responsible for the amount due upon the mortgage, and the usual covenants of personal liability, in case of failure of the premises to bring the money, are contained in this, as in all other mortgages, for this loan. B. declines to pay upon the covenants, alleging in his defence, that he took title from the commissioners which has failed altogether, and that in fact they had nothing to sell at the sale, when he became the bidder; that he gave them in security all they conveyed to him, and paid the interest and costs besides, and that the premises were ample security if the title had not failed. This latter fact is admitted on the part of the commissioners.

The opinion is entertained that, under this state of facts, the commissioners cannot recover against B. upon the covenants in his mort-

gage, and if that opinion be considered sound by the Legislature, it is respectfully suggested that these officers ought to be enabled to obtain credit for the amount due upon this mortgage with which they now stand charged, and with the interest upon which they are annually debited. But a single case of this kind has, as yet, been reported to this office, though others may exist in the course of closing up this loan.

In addition to the suggestions above made on the subject of the county loans, the Legislature is respectfully referred to the remarks under this head, made in the last annual report from this office, and especially to those in relation to the settlement of the accounts with those counties where differences, as yet inexplicable, exist between the account kept here and that kept by the officers having charge of the loans.

#### DOCKETS OF JUDGMENTS IN THE U. S. COURTS.

By the 17th title of chapter 8, part 3d of the Revised Statutes, the clerks of the Supreme Court in New-York and Utica are required to procure, from the clerks of the district courts in the southern and northern districts of the state, certified copies of the dockets of judgments rendered in their respective courts, or in the circuit courts for their districts, after the first day of January, 1830; and by the 45th section of that title, the expense of procuring those copies is to be audited by the Comptroller and paid out of the treasury. The only account for the fees of the clerks of the United States courts, for making these certified copies of their dockets, which has as yet been presented at this office, is one from the clerk of the District Court of the southern district. The charges for the drafts and for fair engrossed copies of these certificates, and for sealing the same, amounting to \$51.37 cents, were not objected to, but a charge of sixteen pence for a preparatory search after every entry copied, three hundred and eighty-nine in number, and amounting, as charged, to \$64.18½, was objected to, upon the ground that every entry upon the docket being to be copied, the presumption of a search for each was carrying the principle of constructive services too far. Had one charge for a search for the first entry upon the docket, after the 31 December, 1829, been made, it would not have been objectionable; but as this charge, if allowed in this instance, must with the same propriety be allowed as to every other entry which may be made upon the dockets of these courts during the existence of this law, and as the charge for the search after every entry is somewhat

more than the charge for the copy of that entry, the Comptroller was not willing to establish the precedent of the allowance without using his efforts to correct what he believed to be an error. The account, therefore, not having been paid by the clerk of the Supreme Court, in New-York, was returned with the objections. The district clerk expressed his willingness to have the bill taxed by a proper taxing officer of the District Court, but declined to reduce the charge unless it should be reduced by taxation, and the clerk of the Supreme Court was advised to concede to that course, and to pay the bill as it should be thus settled; in as much as he was given to understand that no further copies could be furnished until the question of payment of that bill was disposed of.

The Comptroller is aware that the Legislature have not the power to regulate the fees of this officer, but the subject is submitted to their consideration, that they may determine whether the procuring of transcripts shall be continued at this expense, or whether they will dispense with them altogether.

#### FISCAL YEAR OF THE COMPTROLLER'S OFFICE.

At the suggestion of the Committee of the Legislature, appointed to examine the Treasurer's accounts for the past year, and in accordance with the same suggestion made by the previous committee, the subject of changing the fiscal year of this and the Treasurer's office, so that it shall close on the 30th day of September, instead of the 30th day of November, as now prescribed by law, is submitted to the Legislature.

It will be recollected that the quarters of the year, as regulated by statute, are from January to January, and that the quarter days are the first days of April, July, October and January, in each year. Consequently the fiscal year, as now fixed, embraces the last month of the last quarter of one year, and the three first quarters and the two first months of the fourth quarter of the following year. Many of the public officers and agents, whose accounts are rendered to this office, are required by law to return an account of their collections or disbursements of the public money under their charge, together with the vouchers for their expenditures, at the close of every month, and at the close of every quarter to render an account current of the business of the quarter. The Agents of the State Prisons, the Superintendent of the Salt Springs, and many others, are subject to this regulation.

The difficulties, which these committees meet, arise from this state of facts, and from the close of the fiscal year at a different period from the close of a quarter. They are required to examine the accounts of the fiscal year, from the 1st of December to the 30th of November. The consequence is, that the committee who made this examination last year, examined the monthly parcels of vouchers returned for October and November, but could not balance and close the accounts of the quarter to which these months belonged. The committee who follow them, have put into their hands the quarterly account for the last quarter of that year, but they have only the monthly parcel of vouchers for the last month of that quarter, and, therefore, without a repetition of the examinations of the two previous months, they cannot balance the quarter's accounts, and that examination, so far as the Treasurer is concerned, they cannot make, as the warrants and vouchers are not then in his possession.

This is a sample of the difficulties which extend to many of the transactions of the year. There would be no objection against closing the fiscal with the solar year, but for the fact that the Legislature meet early in January, and such a change would delay the annual report to too late a period in the session for the purposes of legislation ; as it is impossible to bring the transactions of a year together, with accuracy, so as to present the exhibit of the financial concerns of the state, required by law, in a shorter period of time, than from six to seven weeks.

Should the change be made, however, from the period at present prescribed, to the 30th of September, so that each fiscal year should embrace the last quarter of the preceding, and the three first quarters of the succeeding year, the Comptroller is not aware that any inconvenience, or any derangement in the accounts of either his or the Treasurer's office would be caused by it. The next annual report would only embrace the proceedings of ten months, but after that period every report would give a view of a full year's business, and that consisting of four quarter years, as regulated by the statute.

Some conveniences, both to the offices and to the Legislature, might arise from this change. Information in relation to the fiscal concerns of the state must always be sought by the executive previous to the communication of his annual message to the Legislature. This information should consist, in a condensed statement of the whole transactions of the year ; but it is found to be nearly impossible to furnish it with due accuracy in time for that document.

The annual report from this office is under preparation at the time of the meeting of the Legislature, a season, invariably, when the ordinary calls upon the office, are the most pressing, in consequence of the commissions with which the members of that body come charged. The calls of the Legislature are also likely to be most frequent, and the references are certain to be so, at the early part of the session. The consequence is, that the calls for information, and the references made, must be delayed for the annual report, or the time of its presentment must be thrown still farther forward into the session, and an examination will show that it is seldom laid before the Legislature, until from twenty to thirty days of the session have transpired.

Should the change suggested be made, the annual report could always be ready on the first day of the session, as it could also be laid entire before the Governor for his examination, before writing his message. Still the comptroller would not be understood as expressing any anxiety upon this subject, nor as suggesting that any reasons exist for this change now, which have not existed since the present time of meeting of the Legislature has been established. His object is to exhibit to the Legislature the conveniences and inconveniences growing out of the question, so far as they have occurred to his mind, and to submit the propriety of the alteration to that body.

Should the change be made, it will be necessary to provide that officers and agents, who are by law required to make an annual account to this office, should close that account on the 30th of September of each year, as the time of closing those accounts, by different officers, is now different. The accounting year of the Agents of the State Prisons closes on the 31st October, and that of the Superintendent of the Salt Springs, on the 30th of November. The fiscal year of the canal accounts, has hitherto been kept from the first of January to the first of January, but it would probably be advisable, if the contemplated change should be made, to connect these accounts with it, and to require that the annual report of the Commissioners of the Canal Fund, should also exhibit their transactions from the 30th September to the 30th September. The desire to exhibit, separately, the amount of tolls for each season, need not be interfered with by this measure, as that exhibit is annually made to the public, separate from the report of the Commissioners of the Canal Fund, and may, if desirable, be required by law to be made on the 1st of January of each year.

## ACCOUNTS WITH THE UNITED STATES.

In obedience to the concurrent resolution of the Senate and Assembly, of the 29th of March last, the accounts and vouchers for disbursements made by this state, on account of the late war, have been arranged in the best manner their condition permitted. In the course of the examination of them, with reference to this arrangement, it was discovered that many items of the account stood "suspended," and had never received the rejection of the auditory officers of the government. Being advised, by some of the most experienced members of our delegation in Congress, that this would be likely to be made an objection to the action of Congress upon these items, it was thought best to prepare the accounts at as early a day as possible, and to transmit them to the auditor, with the request that he would review his audit, and pass finally upon each separate charge. This was done, and the accounts, together with all the vouchers and evidences relating to them, were sent on by Mr. Dudley, of the Senate. The auditor was requested to examine the papers with as little delay as possible, and to deliver the abstract prepared, together with the vouchers and evidences relating to the rejected items, to such member of the delegation in Congress, from this state, as should call for them.

A letter was, immediately afterwards, addressed to the delegation, advising them of the course which had been taken, and of the reasons which had dictated it, and requesting them, in such manner as they should think proper, to use their efforts to expedite the final audit of the accounts, and to designate some member of their body to receive them from the auditor, when that labor should be completed.

A copy of the resolution of the Legislature, was also enclosed to the delegation, under the apprehension that it would convey, in the best manner, the wishes of that body in relation to their disposition of such of the accounts as should meet a final rejection from the accounting officers of the government. The Comptroller was immediately advised of the delivery of the papers to the Auditor, and of the receipt of the letter addressed to the delegation, since which time he has had no information of the progress made in the business.

All which is respectfully submitted.

SILAS WRIGHT, JR. *Comptroller.*

**STATEMENT A**, shews the increase & diminution of the General Fund.

B, " " " Common School.

C, " " " Literature Fund.

D, " the receipts into the Treasury, from 1st December, 1829, to 1st December, 1830.

E, " the Warrants drawn on the Treasury, during the same period.

F, " the Accounts of the State Prisons, for the year ending 31st October, 1830.

G, " the Duties on Sales at Auction, received into the Treasury, from 1st December, 1829, to 30th November, 1830.

(A.)  
**STATEMENT, showing the increase and Diminution of the capital of the General Fund, during the year ending 30th November, 1830.**

	Bonds for lands.	Bonds for loans to individuals.	Miscellaneous Bonds.	Bank Stock.	Total.
Amount of the fund 30th November, 1829, -	809,313 10	386,885 93	23,319 62	127,740 00	1,344,258 65
Increased as below, - - - -	40,384 28			4,225 00	44,609 28
Diminished as below, - - - -	246,697 38 54,310 05	386,885 93 17,124 59	23,319 62 158 43	131,965 00 5,000 00	1,388,877 93 76,593 07
Leaving the amount of the fund 30th Nov. 1830.	792,387 33	369,771 34	23,161 19	126,965 00	1,312,284 86

*Increase of the Fund.*

Bonds received this year, viz :  
 For sale of lands by the Surveyor-General, - - - \$31,036 06  
 For do. do. by the Attorney-General, under fore-  
 closure of mortgages for lands, 9,348 22  
 For do. do. by do. under foreclosure of mortga-  
 ges for loans, 0 00  
 Instalment on Mechanics' and Farmers' bank stock, - 4,225 00

*Diminution of the Fund.*

Extinction of principal of bonds for lands, viz :  
 By payments into the treasury, - - - \$23,267 27  
 By resales by the Surveyor-General, of lands forfeited  
 for non-payment, - - - 18,711 15  
 By foreclosure of mortgages by the Attorney-General, - 12,331 63  
 Extinction of principal of bonds for loans to individuals, &c.  
 By payments into the treasury, - - - \$17,124 59  
 By foreclosure of mortgages by the Attorney-General, - 0 00  
 Extinction of principal of miscellaneous bonds :  
 By foreclosure of mortgages by the Att'y-General in 1825, - - - 0 00  
 Extinction of principal of other objects, viz :  
 Of miscellaneous bonds paid into the treasury, - - - 158 43  
 Of Mohawk Bank stock sold, - - - 5,000 00  
 76,593 07



**(B.)**  
**STATEMENT, showing the increase and diminution of the School Fund, during the year ending 30th November, 1890.**

	Bonds for S. F. lands, including escheats.	Bonds for loans of capital.	Loan of 1786.	Loan of 1792.	Loan of 1808.	Public stock.	Bank stock.	Money in the treasury.	Total.
Amount of the fund 30th November, 1829,	238,785 53	1,500 00	20,665 00	317,860 17	411,252 82	395,326 00	280,000 00	45,091 72	1,711,081 24
Increased, as stated below, - - -	20,222 21	17,300 00				11,174 00		66,846 13	115,542 34
Diminished, as stated below, - - -	259,007 74	18,800 00	20,665 00	317,860 17	411,252 82	407,000 00	280,000 00	111,937 85	1,896,923 58
	16,394 22		10,507 78	17,786 63	17,891 24			28,474 00	91,053 92
	242,613 52	18,800 00	10,137 22	300,073 54	393,461 57	407,800 00	280,000 00	83,463 85	1,735,569 68

*Increase of the Fund.*

Bonds taken this year, viz:	
For School Fund lands sold by the Surveyor-General,	\$19,886 45
do. sold by Commissioners of the Land-Office, including escheats,	335 76
	<u>\$20,222 21</u>
For loans from the capital of School Fund, viz:	
To Clinton county, - - -	\$9,500 00
To Broome county, - - -	4,500 00
To Cattaraugus county, - - -	3,300 00
	<u>17,300 00</u>
Canal stock purchased this year, - - -	11,174 00
Moneys received into the treasury this year, viz:	
For principal of bonds for School Fund lands, including escheats,	\$9,093 42
do. of loan of 1786, - - -	10,507 78
do. 1792, - - -	17,786 63
do. 1808, - - -	17,891 29
For first payments on sales of School Fund lands, - - -	10,746 89
do. of escheated lands, including	
Atty-General's costs, and deducting expenses paid,	381 12
	<u>\$6,846 13</u>
	<u>\$115,542 34</u>

*Diminution of the Fund.*

Extinction of principal, viz:	
Of bonds for School Fund lands, by payments into the treasury, including escheats, - - -	\$9,093 42
By resales by the Surveyor-General, forfeited for non-pay't, - - -	7,217 80
By transfer to Literature Fund of a bond belonging thereto, - - -	148 00
	<u>\$16,394 22</u>
Of loan of 1786, by payments into the treasury, - - -	10,507 78
do. 1792, do. - - -	17,786 63
do. 1808, do. - - -	17,891 29
Of moneys in the treasury by loan to Clinton county, - - -	\$9,500 00
Broome county, - - -	4,500 00
Cattaraugus county, - - -	3,300 00
by investment in canal stock, - - -	11,174 00
	<u>\$83,463 85</u>
	<u>\$79,379 92</u>

(C.)  
**STATEMENT, shewing the increase and diminution of the capital of the Literature Fund, during the year ending 30th November, 1880.**

	Bonds for lands sold.	Bonds for loans of the Capital.	Money in the Treasury.	Total.
Amount of the fund 30th November, 1879.	136,851 81	6,500 00	9,766 54	153,118 35
Increased as below,	31,876 26		7,100 37	38,976 63
Diminished as below,	168,728 07	6,500 00	16,866 91	192,094 98
Leaving the amount of the fund on the 30th November, 1880,	7,007 85	50 98		7,058 83
	161,720 22	6,449 02	16,866 91	185,036 15

<i>Increase of the Fund.</i>		<i>Diminution of the Fund.</i>	
Bonds received this year, viz :		Extinction of principal of bonds, viz :	
Of the Surveyor-General, for lands sold by him,	751 12	Of bonds for lands by payments into the treasury,	6,174 20
Of the Commissioners of the Canal Fund, for balance of \$150,000 canal stock belonging to the Literature Fund, cancelled by a transfer of bonds belonging to the Canal Funds,	14,242 01	by foreclosure of mortgages by the Attorney-General,	0 00
Of the same, for a further like transfer,	16,735 13	by reversion under Surveyor-General's sales,	833 65
Transfer from the School Fund of a bond erroneously credited to that fund,	143 00		7,007 85
Moneys received into the treasury this year, viz :	31,876 26	Of bonds for loans by payments into the treasury,	50 98
For principal of bonds for lands,	6,174 20	by foreclosure of mortgages by the Attorney-General,	0 00
For do. do. for loans,	50 98		50 98
For first payments on lands,	830 31		
For quit-rents, \$39.76, half is,	44 88		
	7,100 37		
	<u>\$38,976 63</u>		<u>\$7,058 83</u>

(D.)

*Account of Moneys received into the Treasury during the year  
ending 30th November, 1830.*

### For Account of the General Fund.

#### PERMANENT REVENUE.

Dividends on bank stock, viz :	
Bank of America, .....	\$3,283 20
Mechanics' and Farmers' Bank,....	5,644 60
Mohawk Bank, .....	275 00
New-York State Bank,.....	1,429 63
Interest on bonds for lands,.....	71,122 09
do on loans to individuals, corpo- rations, &c .....	11,488 68
do on miscellaneous bonds for sun- dry debts due the state, .....	60 57
do on arrears of county taxes,...	14,237 99
do on deposits of the general fund in the Commercial Bank, ....	1,291 13
Balances due from individuals on the settlement of their accounts, .....	2,213 81
Fees accounted for by the Comptroller,	111 80
do do by the Secretary of State,.....	867 58
do do by the Surveyor-Gener- al, .....	28 30
Fines and penalties received from coun- ty treasurers, .....	41 90
Pedlers' licenses,.....	1,310 00
Rents of lands leased .....	745 84
Wharfage, &c. from the state pier at Sagg-Harbor, .....	113 60
Tax on foreign insurance companies, .	1,799 30
	<hr/>
	\$116,063 01

#### CAPITAL.

Principal of bonds for lands, .....	\$23,267 27
do of bonds for loans to individu- als, corporations, &c.....	17,124 59
do of miscellaneous bonds, ....	158 43
First payments on sales of lands,.....	25,298 66
For Mohawk Bank stock sold,.....	5,000 00
	<hr/>
	70,848 95

#### TEMPORARY AND MISCELLANEOUS RECEIPTS.

Dividend on stock of old Bank of the United States,.....	\$304 00
	<hr/>
Amount carried forward,...	\$304.00
	<hr/>
	\$186,913 96

Amount brought forward,	\$304 00	\$186,913 96
Militia fines,.....	807 76	
Arrears of county taxes,.....	53,763 14	
Sales of lands for do .....	86,684 25	
Tax for draining marsh in Madison co.	2,250 49	
Road tax from Cedar Point to west line of Essex county,.....	5,382 18	
do from Port Kent to Hopkinton,	35 76	
Redemption of lands sold for arrears of taxes, .....	24,016 72	
do do sold for arrears of consideration,	3,736 88	
Sales of the Revised Statutes, .....	12,956 75	
	<hr/>	189,937 93
For drain tax on lot 321, Onondaga salt springs reservation,.....	20 79	
For proceeds of old furniture of the Assembly Chamber, .....	56 75	
From the Commissioners of the canal fund for clerk hire for the canal room from 1 January, 1827, to 1 Decem- ber, 1829, at \$1,480 per annum, ...	4,316 67	
From the same for agency in exploring canal fund lands,.....	1,979 02	
On account of gospel and school lot in De Kalb,.....	210 58	
Of the Surveyor-General, received by him for cost of advertising lands to be sold for default in payment,.....	1,140 00	
	<hr/>	7,723 81
Total amount of receipts for account of general fund,		\$384,575 70
<b>For Account of the Erie and Cham- plain Canal Fund.</b>		
Duties on sales at auction, including tax on the same, (\$38,000 of this has been paid out of the treasury on account of prior appro- priations) .....	\$218,513 66	
Tax on salt manufactured in the west- ern district,.....	154,332 82	
Tolls, (\$2,566.83 of this has been paid out of the treasury to the proprie- tors of the Albany basin.) .....	944,680 01	
For canal fund lands,.....	203 00	
Rents of surplus waters,.....	1,600 68	
On account of the bond of the corpo- ration of the city of Albany,.....	75,100 00	
For damages sustained by owners or occupants of lands affected by the		
	<hr/>	384,575 70
Amount carried forward,	\$1,394,430 17	
[A. No. 37.]	5	

Amount brought forward,...	\$1,394,430 17	\$384,575 70
erection and continuance of the Fort Miller dam, to be paid over to said owners and occupants,.....	1,074 69	
	<hr/>	\$1,395,504 86

### For Account of the Oswego Canal Fund.

Tolls, .....	\$9,724 29	
For Oswego canal fund lands,.....	3,240 29	
Rents of surplus waters,.....	825 00	
	<hr/>	13,789 58

### For Account of the Cayuga & Seneca Canal Fund.

Tolls, ....	11,644 83
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### For Account of the Common School Fund.

Interest on bonds for school fund lands, \$17,470 66		
do do for escheated lands, ..	1,532 38	
do on loan of 1786, .....	2,066 04	
do on do 1792, .....	18,383 34	
do on do 1803, .....	25,255 31	
do on canal stock,.....	20,210 32	
Dividends on stock of the Merchants'		
Bank, .....	11,626 00	
do do Manhattan Co.	3,500 00	
Rents of lands leased,.....	582 18	
Fees of the clerk's office of the Su- preme Court, .....	7 49	
Half amount of quit rents received this year, .....	44 88	
	<hr/>	100,678 60
Principal of bonds for school fund lands, ..	6,325 47	
do do for escheated lands, ..	2,702 95	
do of loan of 1786, .....	10,507 78	
do of do 1792, .....	17,786 63	
do of do 1803, .....	17,891 29	
First payments on sales of school fund lands, .....	10,750 89	
do do of escheated lands, .....	1,327 62	
	<hr/>	67,292 63
Amount carried forward,....	\$1,973,486 20	

Amount brought forward,..... \$1,973,486 20

### For Account of the Literature Fund.

Interest on bonds for lands, .....	\$12,785 89	
do on loans of the fund,.....	343 02	
		\$13,128 91
Principal of bonds for lands,.....	\$6,174 20	
do of bonds for loans,.....	50 98	
First payments on sales of literature fund lands,.....	743 94	
Half amount of quit-rents received this year, .....	44 88	
		7,014 00
		<u>\$1,993,629 11</u>

(E.)

*During the same period warrants have been issued for the following objects, viz :*

### Permanent Appropriations.

For salaries and office expenses of officers of government, viz :

Lieut. Governor, acting as Governor,	\$3,500 00
Chancellor, and Justices of the Supreme Court, .....	8,000 00
Justices of the Circuit Court,.....	9,936 37
Attorney-General,.....	1,000 00
Reporter of the Court of Chancery, ..	500 00
do of the Supreme Court, ....	500 00
Secretary of State, including his compensation as superintendent of common schools,.....	1,750 00
Comptroller,.....	2,500 00
Treasurer, .....	1,500 00
Surveyor-General,.....	800 00
Deputy Secretary, including his compensation as clerk of the commissioners of the land-office,.....	1,500 00
Deputy Comptroller,.....	1,500 00
Commissary-General, .....	700 00

Amount carried forward,.....\$33,686 37

Amount brought forward,....	\$33,686 37	
Late Adjutant-General,.....	600 00	
Acting do do .....	200 00	
Judge Advocate-General, .....	150 00	
Private secretary to the Governor, ...	600 00	
Clerk hire for the office of the		
Chancellor, .....	600 00	
court of exchequer,.....	625 00	
Attorney-General, .....	600 00	
Secretary of State,.....	950 00	
Comptroller, .....	6,377 49	
do appropriation .		
for additional clerk hire		
in 1829,.....	548 90	
Treasurer, .....	1,142 50	
Surveyor-General, .....	550 00	
Adjutant-General,.....	200 00	
Furniture,stationary,fuel,book-binding		
and printing for the		
Attorney-General, .....	116 89	
Secretary of State,.....	285 00	
Adjutant-General, .....	339 75	
Comptroller, .....	918 50	
Treasurer, .....	67 31	
Surveyor-General, .....	146 91	
Rent and taxes of the Governor's house,		
from 1st July, 1829, to 1st November,		
1830, .....	1,037 20	
Advance to the Acting Governor, for		
incidental expenses of the govern-		
ment,.....	750 00	
Legislature, including contingent ex-		
penses, .....	71,252 70	
Court of Errors, for attendance at the		
extra sessions and contingent expen-		
ses, .....	10,286 10	
Expenses of the executive chamber,		
viz :		
Pay of the door-keeper,...	\$423 00	
John F. Bacon, for keeping		
the minutes, .....	350 00	
	<u>773 00</u>	
		132,803 62
Commissioners of the canal fund, for		
deficiency in the revenue of the Cay-		
uga and Seneca canal fund,.....	20,905 09	
The same, for deficiency in the revenue		
of the Oswego canal,.....	14,374 50	
	<u>35,279 59</u>	
Amount carried forward,.....	\$168,083 21	

Amount brought forward,.....	\$168,083 21	
State Prison at Mount-Pleasant, for additional building, furnishing, general support, and pay of commissioners, .	46,123 73	
Transportation of convicts from the place of conviction, to the prisons,..	10,335 51	
		56,459 24
Indian expenses, viz :		
Annuities to tribes, .....	17,066 37	
Sarah Duxtader, her annuity,.....	70 00	
Incidental expenses attending Indian affairs, .....	500 00	
Agent of Onondaga Indians, .....	50 00	
Schools in New-Stockbridge, .....	300 00	
Attorney to the Oneida, New-Stockbridge and Brothertown Indians,..	75 00	
		18,061 37
Apprehension of criminals,.....	2,000 00	
do of fugitives from justice, by order of the Governor,.....	1,499 53	
Brigade and division inspectors,..	4,410 00	
College of physicians and surgeons in the city of New-York,.....	500 00	
Commissary's department, ....	5,424 77	
Costs of suits in which the State is interested, exclusive of costs in relation to escheated lands,.....	1,393 29	
Counsel to assist Attorney-General, and compensation to him for extra services, .....	5,500 00	
Courts of inquiry, .....	1,005 98	
County clerks, for services under act concerning oaths,.....	66 39	
Deaf and dumb, support and instruction of indigent pupils, .....	6,737 13	
Gun-houses, for erection thereof,.....	660 00	
James Minor, his annuity,.....	30 00	
Jeremiah Ryan, his annuity,.....	100 00	
Frederick Sammons, his annuity,.....	100 00	
Maintenance of infirm confiscated slaves, and children of slaves, abandoned by the owners,.....	149 11	
Keepers of arsenals, and the fortifications at the narrows,.....	150 00	
Postages of official letters of the Secretary of State and superintendent of common schools, the Comptroller, Treasurer, and Adjutant-General,...	2,051 23	
Printing for the State, exclusive of the Revised Statutes,.....	13,182 79	
Amount carried forward,....	\$44,960 22	\$242,603 82



Amount brought forward,.....	\$44,960 22	\$242,603 82
Repairs of the State Hall, .....	56 46	
Sheriffs' fees, .....	5,437 61	
State library, annual appropriation for increasing the same,.....	1,000 00	
Contingent expenses of the same,....	64 01	
Librarian's salary, .....	417 26	
Survey, appraisement and advertising of public lands, .....	1,008 75	
Bounties for the destruction of wolves,.	1,012 50	
		53,956 81

### Special Appropriations and Temporary Expenses.

Bounty on coarse salt, manufactured at Salina,.....	676 68	
Discoverers of forfeited estates, for one- fourth of moneys received from the sales thereof,.....	36 11	
Instalment on Mechanics' and Farmers' bank stock, .....	4,225 00	
Road from Champlain to Hopkinton,..	7,836 00	
Surveys of canal routes,.....	3,719 80	
Revisers of the Statutes of the State,..	200 00	
John L. Tillinghast, for his services in assisting the Revisers,.....	450 16	
Purchase of Indian lands,.....	18,845 34	
		35,989 09
Distribution of lists of lands to be sold for taxes,.....	254 00	
Transportation of laws,.....	175 22	
Boxes for the same, and packing,....	62 10	
John C. Spencer, for his services as special counsel, in the matter of the abduction of Wm. Morgan,.....	1,000 00	
John C. Spencer, for his expenditures in the same,.....	306 48	
do for balance due him for his services and expenditures in the same,.....	399 06	
Victory Birdseye, for his disbursements in the same,.....	638 11	
Balance for engraving Burr's maps,...	1,390 62	
For 60 of Burr's maps, delivered to the Secretary of State,.....	\$300 00	
For 50 Burr's atlas, delivered to Secretary of State,....	500 00	
	800 00	
Amount carried forward,.....	\$5,025 59	\$332,549 72

Amount brought forward,.....	\$5,025 59	\$332,549 72
David H. Burr, on account of contract for completing the State map and atlas, .....	1,001 88	
Balance due the widow of Ephraim Starr, late Deputy Comptroller,....	6 15	
Commissioners for examining the Treasurer's accounts,.....	249 00	
For four seals for the court of Chancery, .....	48 00	
Removing intruders on Indian lands,..	66 50	
Secretary of State, for his expenses in visiting the institution for the deaf and dumb, in the city of New-York, .....	29 54	
Nicholas Underwood, per act chap. 264, of 1830,.....	2,081 38	
Justus Burt, per act of 1830, for his relief, .....	61 45	
Repairs of the supreme court room in the Capitol,.....	150 00	
Philip Phelps, Deputy Comptroller, for his services as Acting Comptroller, ..	38 35	
Philip Phelps, for his expenses to New-York, on the subject of auction sales, .....	14 85	
David H. Burr, for three bound copies of his map and atlas of this state, transmitted to the Governors of Virginia and Missouri,.....	141 00	
James M'Lean, late a lieutenant in the service of this state, .....	249 86	
Alfred Conkling, for rent, paid by him on a lot released by the Commissioners of Loans, he being owner of one equal undivided half thereof,.....	1 87	
New-York eye infirmary, 7th annual instalment,....	1,000 00	
Francis Seger, for making index to journals of the Assembly,.....	50 00	
John F. Bacon, for do. Senate,...	50 00	
Cleaning and warming the supreme court room in the capitol,.....	70 31	
Rents and assessments on lots in Albany, mortgaged to the State by John Van Ness Yates,.....	243 73	
Salmon Childs, for attendance as a witness before the committee of elections, in 1829,.....	5 00	
Ezra Thorp, for his services in the revolutionary war,.....	210 00	
Thomas H. Hubbard, balance of his account for repairs of the clerk's office in Utica,.....	11 75	
Amount carried forward,.....	\$10,806 21	\$332,549 72

Amount brought forward,.....	\$10,806 21	\$332,549 72
Thomas H. Hubbard, for amount paid by him for certified copies of the docket of judgments in the U. S. District court for northern district,.....	1 16	
Samuel Birdsall, surrogate of Seneca county, for copy of the will of C. Van Horne,.....	1 30	
Addison Gardner, for his services in making and transmitting to the Governor a statement of the conviction and sentence of Elias and James Gray, for murder,.....	46 87	
Flagging the side walk in front of the state arsenal, in the city of N. Y....	214 69	
N. S. Benton, for his services in making examinations relative to the memorial of Samuel M. Hopkins,.....	74 70	
Hugh Maxwell, for his services relative to the conduct of Jasper Ward,.....	50 00	
Asa Colvard, sheriff of Albany county, for attendance on Supreme court, and for fuel and contingent expenses,	111 20	
L. Ormsby and B. C. Allen, constables of Albany, attending the same,.....	50 00	
		11,356 13

**PAYMENTS OF MONEYS PREVIOUSLY RECEIVED AT, OR AFTERWARDS TO BE REFUNDED TO THE TREASURY.**

County treasurers, for balances due on settlement of their accounts for taxes,	49,928 77	
Draining the Cayuga marshes, expenses of the Comptroller to investigate the accounts of the commissioners,.....	132 64	
Erroneous payments into the treasury refunded,.....	445 57	
Redemptions received into the treasury for lands sold for county taxes, and refunded to the purchasers.....	6,632 65	
Do. for lands sold for arrears of consideration,.....	1,306 64	
Commissioners of the road from Cedar point to the west line of Essex county, taxes received into the treasury therefor,.....	6,121 98	
Do. for draining Madison co. marsh, for the like,.....	1,311 00	
Amount carried forward,.....	\$66,479, 25	343,905 85

Amount brought forward,....	\$66,479 25	\$343,905 85
Paper for the edition of the Revised Statutes, authorised by law,.....	1,512 32	
Printing do. do.....	800 00	
Exploring canal fund lands,.....	1,603 20	
Agent for prosecuting intruders on the same,.....	101 32	
Trustees of the gospel and school lot in De Kalb, the amount paid into the treasury on account of the sales thereof,.....	301 14	
Auctioneer, for selling lands for taxes,.....	135 00	
Surplus on E. Wood's part of lot 215, Oneida reservation,.....	181 91	
		<hr/> 71,114 14
Total amount of payments out of the General Fund,.....		\$415,019 99

### On account of the Canal Fund.

Appraisers of damages in constructing the canals,.....	972 00	
Samuel Young, pay as canal commissioner, while actually serving as such,.....	472 65	
Commissioners of the canal fund, for revenue of the Erie and Champlain canal fund,.....	1,353,493 38	
Do. for revenue of the Oswego canal fund,.....	13,789 58	
Do. for revenue of the Cayuga and Seneca canal,.....	11,644 83	
Proprietors of the Albany basin, for their proportion of tolls, for 1829,.....	2,566 83	
Support of foreign poor, in the city of New-York,.....	15,000 00	
Orphan asylum in the city of New-York,.....	500 00	
Hospital in the city of N. York,..	22,500 00	
		<hr/> 1,420,939,27

### On Account of the Common School Fund.

Common school dividends paid to county treasurers,.....		100,000 00
Canal stock, purchased for account of common school fund,.....	11,174 00	
		<hr/>
Amount carried forward,....	\$11,174 00	\$1,935,959 26

Amount brought forward,....	\$11,174 00	\$1,935,959 26
Loan to Clinton county, from the capital of the fund,.....	9,500 00	
Do. to Broome county do...	4,500 00	
Do. to Cattaraugus county do...	3,300 00	
Administrators of Jabez Gould, for his services in effecting the escheat of lot 73, Aurelius,.....	446 50	
		28,920 50

### On Account of the Literature Fund.

Literature Fund revenue, paid to the Regents of the University,	3,845 02
	<u>\$1,968,724 78</u>

(F.)

## OF STATE PRISONS.

### *The Prison at Mount-Pleasant.*

The sum paid out of the treasury upon the orders of the late commissioners for building the new state prison at Mount-Pleasant, subsequent to the 31 October, 1829, and before the manner of drawing the moneys and keeping the accounts for this prison were changed, pursuant to the provisions of the Revised Statutes, and of the act chap. 331, of 1830, was \$12,168.54.

This money is accounted for, as all the other moneys drawn by these commissioners have been accounted for, by vouchers accompanying their order for the respective drafts. It was designed to have made a final statement of this account at this time, but in consequence of finding a discrepancy between the accounts, as kept upon the books of this office and as kept at the prison, presumed to grow out of the receipts of money at the prison and arising from the labor of the convicts, of which receipts we have no regular account, the statement is omitted until, by obtaining those receipts from the books kept at the prison, the variance in the accounts may be accounted for with certainty, and the mistake, in which ever account it may exist, be properly corrected. The variance is only about \$113.00.

The amount expended by the agent of this prison, from the 1st January to 31st October, 1830, is \$53,571.01, which was paid from the avails of the labor of convicts confined therein, in part, and from moneys drawn from the treasury, leaving a balance in the hands of the agent at the close of the year, of \$980.65.

The account of the agent stands thus:

**DR. ELAM LYND**S, Agent and Keeper, in account for support.

1830.

Jan. 1.	To balance due from agent,.....	\$901 22
Oct. 27.	To cash received from the treasury,.....	\$40,000 00
Oct. 31.	To cash received at prison, derived, as appears from Inspectors' report, from the following sources:	
	work done in the smith shop,.....	1,194 73
	do do stone do .....	10,631 26
	do do carpenters' shop, .	179 30
	do do shoe & weavers' do.	1,247 72
	rags sold,.....	30 68
	logs sold, remaining on hand after finishing dock, .....	366 75
		<hr/> 53,650 44
		<hr/> \$54,551 66



**CR.**

1830.

Oct. 31. By amount expended at prison, as appears from the report of inspectors, for the following purposes:

For stock and tools for smith shop, ....	\$1,042 20
tools for stone cutters and quarries, .....	3,175 98
building materials,.....	1,356 36
tools for shoe and weavers' shop,...	135 70
clothing, .....	3,459 51
bedding and prison furniture, .....	152 29
Soap, oil and fuel, .....	1,053 22
provisions, .....	14,376 92
hospital, .....	264 72
library, .....	115 06
stationary and postage, .....	124 60
To discharged convicts,.....	172 00
For apprehension of convicts escaped, .	24 63
freight accounts,.....	494 57
To agent, clerk and keepers,.....	10,137 27
physician, .....	416 60
chaplain,.....	250 00
guard, .....	5,557 46
For the dock,.....	9,189 32
female convicts, .....	1,787 28
travelling, and incidental expenses,.	285 32
	<hr/> 53,571 01
By balance in the hands of the agent, .....	980 65
	<hr/> \$54,551 66

*The Prison at Auburn.*

No money has been drawn from the treasury for the support thereof, during the year ending 31 October, 1830.

The amount expended at this prison during the above mentioned period, is \$36,170.43, which was paid from the avails of the labor of convicts confined therein, leaving a balance in the hands of the agent at the close of the year, amounting to \$4,917.78.

The account of the agent stands thus :

**DR. LEVI LEWIS**, Agent and Keeper, in account for general support.

1829. Nov. 16. To balance due from agent, ..... \$ 3,304 98

1830. Oct. 31. To cash received at prison from the following sources :

To cash from coopers' shop, .....	\$3,246 01
comb do .....	1,894 69
tailors' do .....	3,409 05
turners' do .....	3,529 09
carpenters' do .....	1,812 49
weavers' do .....	6,127 03
machine do .....	2,209 89
shoemaker do .....	5,971 16
check and	
woollen do .....	1,994 48
bl'ksmiths do .....	212 77
stone do .....	580 47
tool do .....	2,511 38
hame do .....	1,783 75
button do .....	903 69

36,185 95

To cash received for a horse sold, .....

72 41

from visitors, .....

1,524 87

\$41,088 21

**CR.**

By monthly accounts of expenditures per vouchers audited and allowed, ..... \$36,170 43

By balance due to the state, ..... 4,917 78

\$41,088 21

## STATEMENT

*Of duty on Sales at Auction, received into the Treasury, during the year ending 30th November, 1830.*

*New-York City.*

David Austin, qr. ending, ..	31 Dec. 1829,	\$7,781 71	
	31 Mar. 1830,	10,035 85	
	30 June, "	10,443 73	
	30 Sept. "	13,851 87	
			\$42,113 16
Anthony W. Bleecker, ....	31 Dec. 1829,	1,482 69	
	31 Mar. 1830,	1,809 47	
	30 June, "	2,294 27	
	30 Sept. "	789 64	
			\$6,376 07
James Bleecker, .....	30 June, 1830, .....		15 56
Hunn C. Beach, .....	31 Dec. 1829,	2,474 28	
	31 Mar. 1830,	1,614 59	
	30 June, "	1,840 08	
	30 Sept. "	1,839 63	
			7,768 58
Jacob B. Clarke, .....	31 Dec. 1829,	53 44	
	31 Mar. 1830,	37 24	
	30 June, "	28 61	
	30 Sept. "	21 80	
			141 09
Joseph Dayman, .....	30 June, 1830,	1 13	
	30 Sept. "	1 13	
			2 26
Leonard H. Robinson, .....	30 June, "	7 77	
	30 Sept. "	11 76	
			19 53
John P. Dieterich, .....	31 Dec. 1829,	16 41	
	31 Mar. 1830,	26 98	
	30 June, "	23 02	
	30 Sept. "	9 20	
			75 61
John Fellows, .....	30 June, 1830,	22 94	
	30 Sept. "	29 99	
			52 93
A. A. Waterhouse, .....	31 Dec. 1829,	18 59	
	31 Mar. 1830,	1 94	
	30 June, "	8 56	
			29 09
James Gourlay, .....	31 Dec. 1829,	3 94	
	31 Mar. 1830,	3 12	

Amount carried forward, .....\$



Amount brought forward,.....\$		
James Gourlay, qr. ending 30 June, 1830,	3 07	
30 Sept. "	4 75	
		14 88
Peter B. Van Beuren,..... 31 Dec. 1829,	0 73	
31 Mar. 1830,	1 16	
30 June, "	0 82	
		2 71
John Sniffin,..... 30 June, 1830,	6 42	
30 Sept. "	26 20	
		32 62
Giles K. Coates,..... 31 Dec. 1829,	2,019 82	
31 Mar. 1830,	547 79	
30 June, "	253 63	
30 Sept. "	50 59	
		2,871 83
Richard N. Harrison,..... 31 Dec. 1829,	56 06	
31 Mar. 1830,	39 20	
		95 26
Michael Henry,..... 31 Dec. 1829,	84 91	
31 Mar. 1830,	39 42	
30 June, "	10 70	
		135 03
John Langdon,..... 31 Dec. 1829,	8 97	
31 Mar. 1830,	0 88	
		9 85
Willet Seaman,..... 31 Dec. 1829,	8 85	
31 Mar. 1830,	1 13	
		9 98
William P. Knapp,..... 31 Dec. 1829,	22 43	
31 Mar. 1830,	3 29	
30 June, "	822 95	
		848 67
Lindley M. Hoffman,..... 31 Dec. 1829,	4,038 50	
31 Mar. 1830,	4,575 94	
30 June, "	11,040 10	
30 Sept. "	6,228 20	
		25,882 74
Sidney P. Ingraham,..... 31 Dec. 1829,	26 92	
31 Mar. 1830,	16 23	
30 June, "	66 26	
30 Sept. "	21 86	
		131 27
Ebenezer Irving,..... 31 Dec. 1829,	13 83	
30 June, 1830,	38 10	
30 Sept. "	44 58	
		96 51
Aaron Levy..... 30 June, 1830,	32 01	
30 Sept. "	32 42	
		64 43
Amount carried forward,.....\$		

Amount brought forward,.....\$		
William Gerard, qr. ending 31 Dec. 1829,	1,248 47	
31 Mar. 1830,	833 84	
30 June, "	1,526 40	
30 Sept. "	871 20	
	<hr/>	4,479 91
Peter Stagg,.....30 Sept. ".....		247 15
David M. Moses,.....31 Dec. 1829,	204 51	
31 Mar. 1830,	5,733 05	
30 June, "	53 31	
	<hr/>	5,990 87
Abraham Lefoy,.....31 Dec. 1829,		64 65
Jesse Cady,.....30 June, 1830,	29 41	
30 Sept. "	1,397 32	
	<hr/>	1,426 73
Richard Lawrence,.....31 Dec. 1829,	2,059 19	
31 Mar. 1830,	532 59	
30 June, "	1,375 43	
30 Sept. "	1,863 43	
	<hr/>	5,830 64
Gilbert Lewis,.....31 Dec. 1829,	2 73	
31 Mar. 1830,	2 22	
30 June, "	3 14	
30 Sept. "	3 74	
	<hr/>	11 83
Julius C. Smith,.....30 Sept. 1829,.....		36 45
Peter McCarty,.....30 Sept. 1829,	717 26	
31 Dec. "	734 84	
31 Mar. 1830,	415 50	
30 June, "	989 15	
30 Sept. "	583 05	
	<hr/>	3,439 80
Robert McMenomy,.....31 Dec. 1829,		1 05
Archibald Bryce,.....31 Mar. 1830,	1,038 42	
30 June, "	340 79	
30 Sept. "	541 51	
	<hr/>	1,920 72
Rowland R. Minturn,.....31 Dec. 1829,	1,046 81	
31 Mar. 1830,	423 57	
30 June, "	2,112 20	
30 Sept. "	1,361 18	
	<hr/>	4,943 76
James Mabbett,.....31 Dec. 1829,	2,111 74	
31 Mar. 1830,	831 24	
30 June, "	1,384 99	
30 Sept. "	2,578 24	
	<hr/>	6,906 21
William McLaughlin,.....31 Dec. 1829,	6 29	
31 Mar. 1830,	2 98	
	<hr/>	
Amount carried forward,.....\$		

Amount brought forward,.....\$			
Wm. McLaughlin, gr. end. 30 June, 1830,	208 46		
30 Sept. "	110 65		
			328 38
James M. Miller,.....30 Sept. 1829,	96 58		
31 Dec. "	6 13		
30 June, 1830,	117 23		
30 Sept. "	203 64		
			423 58
Lawrence Powers,.....31 Dec. 1829,	\$14 46		
30 June, 1830,	24 40		
			38 86
Thomas W. Pearsall,.....31 Dec. 1829,	3,438 59		
31 Mar. 1830,	3,449 53		
30 June, "	4,839 81		
30 Sept. "	4,429 09		
			16,157 02
Richard Crawford,.....30 June, 1830,	1 08		
30 Sept. "	3 47		
			4 55
Geo. M'Kay Morrell, .....30 June, "	2 85		
30 Sept. "	4 89		
			7 74
Solomon Seixas,.....31 Dec. 1829,	16 89		
31 Mar. 1830,	44 40		
30 June, "	17 73		
			79 02
Aaron Sergeant,.....31 Dec. 1829, .....			25 30
John D. Brown,.....31 Dec. "	219 49		
31 Mar. 1830,	10 00		
30 June, "	11 81		
30 Sept. "	51 14		
			292 44
James Seton,.....31 Dec. 1829,	23 46		
31 Mar. 1830,	3 00		
30 June, "	2,376 28		
30 Sept. "	3,036 37		
			5,439 11
William Timpson,.....31 Dec. 1829,	2,160 80		
31 Mar. 1830,	1,332 85		
30 June, "	2,827 41		
30 Sept. "	4,912 82		
			11,233 88
Abm. G. Thompson, .....31 Dec. 1829,	2,573 98		
31 Mar. 1830,	1,680 20		
30 June, "	1,420 83		
			5,675 01
Edward G. Thompson, ....30 June, "	1,105 21		
30 Sept. "	3,232 15		
			4,337 36
Amount carried forward,.....\$			

Amount brought forward,.... \$		\$	
Thomas Tripler, qr. end. ...	30 June, 1830,	588 62	
	30 Sept. "	1,020 49	1,604 11
Stephen R. Wiggins,.....	30 Sept. 1829,	31 20	
	31 Dec. "	36 16	67 36
Samuel Phillips,.....	30 June, 1830,	437 29	
	30 Sept. "	162 08	599 35
William K. Strong,.....	30 June, "	3 55	
	30 Sept. "	4 32	7 87
Elias Warner,.....	1st to		
	18 Oct. 1829,	3 75	
	to 27		
	Mar. 1830,	64 75	68 50
Marmaduke Waud,.....	to 28		
	Nov. 1829,.....		113 36
William W. Wetmore,....	31 Dec. 1829,	889 16	
	31 Mar. 1830,	545 70	
	30 June, "	425 64	1,860 50
Cornelius Agnew, .....	30 June, "	21 72	
	30 Sept. "	173 21	194 93
Henry Hone,.....	31 Dec. 1829,	8,554 76	
	31 Mar. 1830,	12,777 66	
	30 June, "	10,228 79	
	30 Sept. "	14,418 77	45,979 98
Jacob Van Winkle, .....	31 Dec. 1829,	70 11	
	31 Mar. 1830,	2 23	
	30 June, "	38 00	
	30 Sept. "	3 74	114 08
William G. Bull, .....	30 June, "	69 83	
	30 Sept. "	299 92	369 75
<i>Albany County.</i>			
Samuel Morgan,.....	30 June, 1830,	225 70	
	30 Sept. "	174 12	399 82
John Stilwell,.....	31 Dec. 1829,	367 80	
	31 Mar. 1830,	80 78	448 58
Corn's W. Groesbeeck,....	30 Sept. 1829,	16 63	
	31 Dec. "	32 42	
Amount carried forward,.... \$			

Amount brought forward,.....	\$	\$	
C. W. Groesbeeck, qr. end. 31 Mar. 1830,	28	65	
30 June, "	33	27	
30 Sept. "	22	79	
			133 76
Lewis Clark, ..... 30 Sept. "			1 23

*Cayuga County.*

Abijah Keeler,..... 31 Dec. 1829,	10	00	
31 Mar. 1830,	10	39	
30 Sept. "	3	00	
			23 39
Henry H. Cooley, ..... 30 Sept. "			9 12

*Chenango County.*

Norman Hancox,..... 31 Mar. 1830,.....			71
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*Clinton County.*

James Bailey, ..... 30 June, 1830,	2	81	
30 Sept. "		76	
			3 57

*Columbia County.*

Barent Hoes,..... 30 June, 1830,	3	43	
30 Sept. "		69	
			4 12
Stephen B. Jordan,..... 31 Mar. "			3 00

*Delaware County.*

William B. Sheldon, ..... 31 Mar. 1830,	80		
30 June, "	63		
			1 43

*Dutchess County.*

Amaziah Blakelee, ..... 30 June, 1830,	22	00	
30 Sept. "		1 00	
			23 00
John Cowles,..... 30 Sept. "			10 00

*Erie County.*

George W. Allen,..... 30 Sept. 1830,.....			
Thomas Clinton, ..... 30 June, "	6	95	
30 Sept. "	1	00	
			7 95

Joseph Hannibal,..... 31 Dec. 1829, }			
31 Mar. 1830, }			3 00

*Genesee County.*

Daniel Keith,..... 30 June, 1830,			
30 Sept. "			3 00

Richard Martin,..... 31 Dec.			
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Amount

Amount brought forward.....\$			
Richard Martin, qr. end....	30 June, 1830,	1 50	
	30 Sept. "	37	5 87
<i>Jefferson County.</i>			
Jason Phelps, .....	31 Mar. 1830,	1 31	
	30 Sept. "	3	1 34
<i>Monroe County.</i>			
George W. Pratt,.....	31 Dec. 1829,	10 00	
	31 Mar. 1830,	5 55	
	30 June "	10 70	
	30 Sept. "	13 08	39 33
Levi W. Sibley,.....	31 Dec. 1829,	20 22	
	31 Mar. 1830,	4 87	
	30 June. "	6 00	
	30 Sept. "	8 00	39 09
Charles W. Barnard,.....	30 June, "	2 00	
Clark Butler,.....	31 Dec. 1829,	1 00	
	31 Mar. 1830,	7 25	8 25
<i>Montgomery County.</i>			
Joseph Farmer,.....	31 Mar. 1830,	19	
	31 Sept. "	13 86	14 05
Matthew O. Davis,.....	30 Sept. 1829, .....	2 02	
<i>Niagara County.</i>			
Walter W. Prentice,.....	31 Dec. 1829,	1 44	
	31 Mar. 1830,	1 05	
	30 June "	1 41	3 90
Geo. W. Rogers,.....	31 Dec. 1829, .....	6	
<i>Oneida County.</i>			
James Hooker, .....	31 Mar. 1830,	2 00	
	30 June, "	4 00	
	30 Sept. "	7 00	13 00
John F. Kittle, .....	31 Mar. 1830,	57	
	30 June, "	2 69	3 26
n Tryon,.....	31 Mar. to		
	April 8, 1830,	24 00	
	30 Sept. "	53 00	77 00
Amount carried forward,.....\$			

Amount brought forward,.....\$			
Henry W. Osborne, qr. end. 31 Dec. 1829,	10 92		
31 Mar. 1830,	1 66		
			12 58
<i>Onondaga County.</i>			
Jasper H. Colvin,.....30 June, 1830,.....			3 50
Benj. T. Williams,.....March, 1829,			
to Feb'y, 1830,.....			3 25
Henry Conklin,.....30 June, ".....			1 14
<i>Ontario County.</i>			
Asher Torrence, .....31 Dec. 1829,.....			7 00
<i>Orange County.</i>			
Comfort Cropsey,.....30 June, 1830,.....			2 00
<i>Orleans County.</i>			
Stephen H. Seamans, .....30 June, 1830,.....			48
<i>Oswego County.</i>			
Timothy C. Dwight,.....31 Dec. 1829,	04		
31 Mar. 1830,	1 31		
			1 35
David Bailey, .....31 Dec. 1829,	2 00		
31 March, to			
30 Sept. 1830,	1 00		
			3 00
<i>Rensselaer County.</i>			
Richard L. M'Donald, .....31 Dec. 1829,	2 36		
31 Mar. 1830,	29		
30 June, "	2 25		
30 Sept. "	11		
			5 01
Marquis M. Bain,.....30 Sept. 1830,.....			7 74
Lorenzo Cadwell,.....31 Dec. 1829,	52		
31 Mar. 1830,	1 40		
			1 92
Lucius Field,.....30 June, 1830,	1 06		
30 Sept. "	5 01		
			6 07
Daniel Martling,.....31 Dec. 1829,.....			49
<i>Saratoga County.</i>			
Wm. Scott, .....30 June, 1830,.....			55
Samuel Munger,.....31 Dec. 1829,.....			5 37
<i>St. Lawrence County.</i>			
Michael Daniels,.....30 Sept. 1830,.....			10 00
Geo. W. Ford,.....31 Mar. ".....			9 38
Amount, carried forward,.....\$			

Amount brought forward,.....\$

*Schenectady County.*

Roswell Perry, qr. end.....	30 June, 1830,	1 55	
	30 Sept. "	1 52	
			3 07
Philip H. Furman,.....	31 Dec. 1829,	2 80	
	31 Mar. 1830,	17	
			2 97

*Seneca County.*

Abner N. Beardsley,.....	30 June, 1830,	51	
	30 Sept. "	28	
			79
James Brooks,.....	30 Sept. 1829,	10 37	
	to 20 Feb. 1830,	56	
			10 93

*Suffolk County.*

Nathan Tinker,.....	30 Sept. 1830,.....	40
Samuel Miller,.....	30 Sept. ".....	16

*Tompkins County.*

U. Y. Hazard,.....	31 Dec. 1829,.....	2 50
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*Wayne County.*

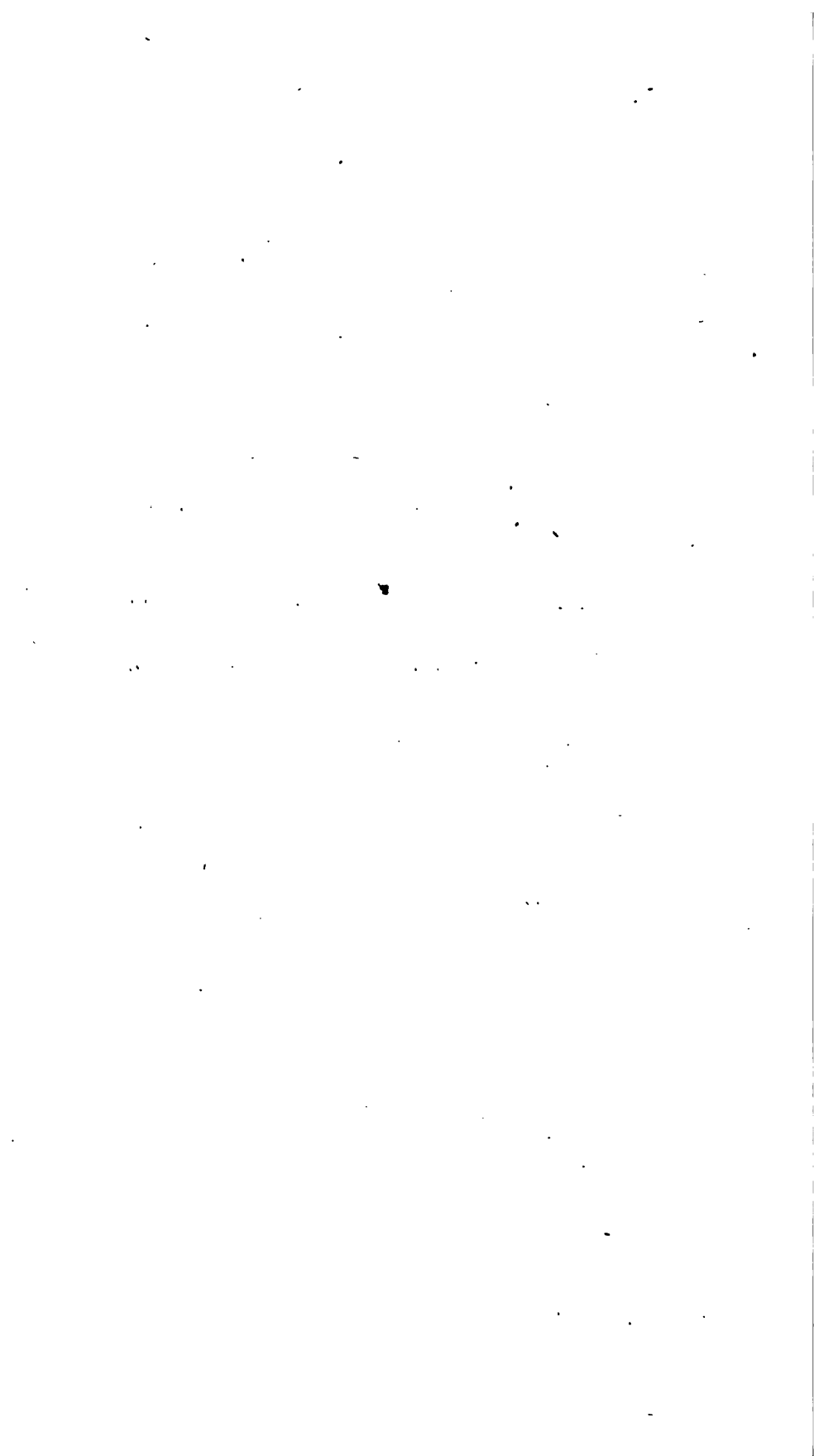
Ira White,.....	30 Sept. 1830,.....	3 00
Daniel Hendee, .....	31 Dec. 1829,	33
	31 Mar. 1830,	3 33
	30 Sept. "	43
		<hr/>
		4 09

*Yates County.*

William Plummer,.....	30 June, 1830,	4 65	
	30 Sept. "	1 85	
			6 50

Total, \$218,513 66









# IN ASSEMBLY,

January 17, 1831.

## Annual Report of the Canal Commissioners.

The Canal Commissioners, in obedience to the act of the Legislature, requiring an annual statement of the condition of the public works, and of their proceedings in relation thereto, respectfully submit the following Report :

Although the navigable canals have not undergone any material change during the last year, their general condition has been improved, and they have continued to afford ample facilities for the transportation of the great and increasing amount of domestic and foreign commodities conveyed upon them.

The Erie, Cayuga and Seneca, and Oswego canals, were opened on the 20th of April ; but the navigation of the Champlain canal was delayed, on account of the rebuilding of three locks, until the first of May. From these periods, it continued until closed by the ice on the 18th of December ; but before this time arrived, the transportation of every thing was accomplished that had been contemplated to be done within the usual period of navigation.

The receipts of toll have been as follows, to wit :

### *Erie and Champlain Canals.*

At Albany, .....	\$212,044 82
" West-Troy, .....	124,771 46
" Schenectady, .....	37,805 98
" Little-Falls, .....	8,670 97
" Utica, .....	46,142 10
" Rome, .....	28,835 26
" Syracuse, .....	85,876 30

Carried forward, 544,146 89

Brought forward, ..	\$544,146 89	
At Montezuma, .....	75,845 74	
" Lyons, .....	24,229 18	
" Palmyra, .....	48,337 94	
" Rochester, .....	150,128 83	
" Brockport, .....	12,313 52	
" Albion, .....	12,138 95	
" Lockport, .....	21,553 24	
" Buffalo, ....	48,958 64	
" Geneva, .....	31,478 29	
" Waterford and Sloop lock, .	10,527 29	
" Fort Edward, .....	11,766 49	
" Whitehall, .....	41,051 68	
	<hr/>	1,032,476 68
<i>Oswego Canal.</i>		
At Salina, .....	8,662 32	
" Oswego, .....	3,672 86	
	<hr/>	12,335 18
<i>Cayuga and Seneca Canal.</i>		
At Geneva, .....	5,223 39	
" Montezuma, .....	6,764 42	
	<hr/>	11,987 81
		<hr/>
		\$1,056,799 67

In relation to the Oswego canal, it is proper to state, that a large proportion of the wood which is used in the manufacture of salt, is brought upon this canal free from toll. Were the usual charges made on this article, it would add about \$3,000 to the collections.

There has been disbursed on the Erie and Champlain canals, by the superintendents of repairs, .....	\$211,044 19
On the Oswego canal, by do .....	12,972 51
" Cayuga and Seneca canal, by do .....	5,833 96
	<hr/>
	229,850 66
By Henry Seymour, on the Erie canal, ...	\$14,464 50
" " " Oswego do ...	3,410 00
" " " Salary, .....	1,500 00
	<hr/>
	19,374 50
By W. C. Bouck, on the Erie canal, .....	1,746 32
" " " " Champlain do ..	2,129 87
	<hr/>
Carried forward, 3,876 19-249,325 16	

	Brought forward, . . . . .	\$3,876 19	\$249,225 16
By	W. C. Bouck, on the Cayuga and Seneca and Lateral do	7,055 30	
"	" Salary, . . . . .	1,500 00	
		<hr/>	12,431 49
			<hr/>
			261,656 65
"	" " on the Chemung canal, . . . . .	96,824 75	
			<hr/>
			<u>\$358,481 40</u>

Besides the ordinary repairs, there have been constructed on the navigable canals during the last year :

103 bridges.

2 culverts.

12 waste-weirs.

4 lock-houses.

1 guard-lock.

36 miles of docking and walling.

10 aqueducts, with wooden trunks, have been in part rebuilt on a more enlarged and substantial plan.

The aqueduct which stands on Mud Creek, was constructed of stone found in the vicinity, which has proved so soft and friable, that its exposure to the changes of the atmosphere, for the last seven years, has caused it to crumble and decay, and there was danger of a failure of the main work. The parapet walls have been rebuilt ; the ring stone of the arches, and such other parts of the work as were defective, have been renewed with durable stone, and the whole structure strongly supported with large buttresses.

One of the most considerable breaches which has occurred on the canals for many years, took place in the month of June, in the town of Perrinton. An extraordinary rain threw a flood of water into the canal, which overflowed its banks and swept away a great quantity of the sandy soil which composed the bottom and side of the canal. The reparation was effected in ten days, and at an expense of a little more than three thousand dollars. To prevent a recurrence of such a disaster, we are rebuilding and greatly enlarging the waste-weirs and flood gates on this level.

Other breaches have occurred on various parts of the canals, but they have not been of such magnitude as materially to interrupt the navigation.

There has been a better supply of water, and the numerous levels have been more equally filled and sustained, than in former years. There are on the Erie canal upwards of eighty levels, and it requires a constant vigilance to keep them filled to the top water line, and at all times it is not practicable. Most of the levels are fed one from another, and a breach in one, or a reduction of water for the stoppage of leaks, or from other unavoidable causes, will occasion a derangement on the levels which are dependant upon it, which it will take some time to adjust. And although there are cases where the deficiency of the levels may be caused by the neglect of the locktenders and others, it is believed that most of them arise from unavoidable causes.

The improvement of the public works, the payment of damages, and other unsettled claims, have hitherto served to swell the expenditures on the canals, beyond even our own expectations.

The amount disbursed by the commissioners and superintendents of repairs for the last year, is however, about \$80,000 less than the preceding year, and it is believed from the best estimate which can now be made, that another year will show a still farther reduction.

The following statement of property which passed Utica on the Erie canal, during the last and the preceding year, exhibits the increase of tonnage upon that canal.

	1829.	1830.
Domestic spirits,.....	galls. 1,748,148	1,812,918
Shingles,.....	M. 25,646	20,786
Sawed lumber,.....	feet, 17,655,424	21,257,490
Timber, .....	" 161,525	262,453
Staves, .....	5,687,810	6,009,000
Flour,.....	bbls. 346,277	532,464
Provisions,.....	" 31,260	36,982
Salt, .....	" 67,517	75,102
Ashes, .....	" 28,179	34,752
Lime,.....	" 9,940	11,220
Beer, .....	" 1,132	595
Cider,.....	" 857	124
Wood, .....	cords, 5,517	3,566
Wheat,.....	bush. 585,012	714,406
Coarse grain,.....	" 324,848	237,147

Barley, .....	"	65,641	96,380
Peas and beans, .....	"	8,941	5,734
Grass seeds, .....	lbs.	625,408	1,212,895
Wool, .....	"	383,152	526,462
Cheese, .....	"	1,065,296	1,727,403
Butter and lard, .....	"	2,224,000	2,216,609
Hops, .....	"	288,960	369,248
Furs and peltry, .....	"	197,120	284,069
Gypsum, .....	"	2,768,640	4,829,557
Stone, .....	"	8,720,320	7,871,661
Merchandise, .....	"	80,162,880	89,931,254
Furniture, .....	"	5,465,600	6,612,624

The tolls received during the last year, exceed the receipts of the previous year \$237,421.16. This excess has been produced principally by an increase in the amount of wheat, flour, and merchandise; the general improvements of business, and the increase of population. By reference to a table hereunto annexed, furnished by the collector at Buffalo, it will be seen that the amount of property sent to and from the country west of this State, has increased about one hundred per cent. during the last year.

On the Champlain canal, the amount received for toll is \$9,022.40 less than in 1829. This diminution is probably in a great measure owing to the destruction of mills and property, and the loss of logs lumber, by the great flood which occurred at the north last summer; and it may have been occasioned in part by the depressed price of lumber, which has not presented inducement to send this article, the great staple of the north, to market. The receipt of toll on this canal the present year, it is expected will be at least equal to that of any preceding year.

#### CHEMUNG CANAL.

Early last spring, the acting canal commissioners re-examined the propositions which had previously been received for constructing the Chemung canal, and selected those which were the most favorable to the State. Contracts were entered into for nearly every part of this work, at prices, which, in the aggregate, according to the estimate of the engineer, after adding those items not included in the contracts, and the probable expense of the engineer department, amount to \$290,263.



The contractors have all commenced their work, and have thus far persevered with commendable diligence. Several miles of excavation are nearly completed. The jobs on which the most remains to be done, will be prosecuted during the winter ; and we entertain the opinion that, if the next season should be favorable, this canal will be completed in October next.

#### CROOKED LAKE CANAL.

In the month of August, the canal appraisers ascertained the damages contemplated by the act authorising the construction of the Crooked Lake canal. The amount of damages awarded to those owners of hydraulic works, who did not release their claims, was paid by the persons interested in this improvement, into the Bank of Geneva, to the credit of the canal commissioners, and will be paid to the persons entitled thereto, as soon as the work commences. Soon after the provisions of the act in reference to damages had been complied with, public notice was given for receiving proposals to construct this canal. These propositions were examined in October, and finding that the terms offered came within the requirements of the law, the acting commissioners entered into contracts for the execution of this work, at prices, which in the aggregate, after adding the probable expense of the engineers, amount to \$95,820. The work will not be commenced until next spring, and by the terms of the contracts, the canal is to be completed by the first of September, 1832.

In pursuance of laws in reference to this subject, a survey has been made of a canal route from Rome to the High Falls of the Black river, and also a survey of the Susquehanna and Chemung rivers. The engineers who were appointed to perform these services, have not completed their maps and reports. The commissioners expect, however, that they shall be able to present them to the Legislature within a few days.

They have not been able to carry into effect the act authorising a survey of a canal route from Rochester to the Allegany river, for the want of funds. The sum appropriated being but seven hundred and fifty dollars ; and there having been no contributions offered by individuals to make up an amount sufficient to accomplish the object of the act, they deemed it worse than useless to expend the appropriation in a partial survey.

Perhaps it may not be improper here to notice the complaints which have been made of the proceedings of the canal commissioners and the canal board, in reference to the disposition of the surplus waters, at the village of Lockport. In order to remove any unjust impression which these may have occasioned, we subjoin a brief history of the facts and circumstances relating to this transaction.

The completion of the western section of the Erie canal, by which the waters of Lake Erie were drawn through the mountain ridge and precipitated into the levels below, in such quantities as to supply the navigation eastward to the Cayuga marshes, created a very valuable hydraulic power at the village of Lockport. A race was constructed at this place to pass the water round the locks into the level, which runs sixty feet below. In the summer of 1825, pursuant to the provisions of the existing laws, the right to use this water, in its descent, for the purpose of propelling mills and other machinery, was advertised and sold to the highest bidder. Messrs. Kennedy and Hatch became the purchasers, and to them a lease was executed by the commissioners, as the law required. At the time of the sale, the land adjoining the canal and race, where the water power existed, was owned and possessed by Darius Comstock. Sometime afterwards, however, Lyman A. Spalding became the purchaser of Comstock's lands, and he subsequently purchased other lands adjoining the opposite side of the canal, so as entirely to enclose the locks and race.

Before any encroachments were made upon the public property by Mr. Spalding, as well as afterwards, he was informed by Mr. Seymour, one of the acting commissioners, that the State having sold the waters to Messrs. Kennedy and Hatch, the commissioners would consider it their duty to afford such means as were in their power to protect the rights of the purchasers; and in case he used the water without permission, they would be obliged to turn the water from his mill, whenever required by the lessees.

Unmindful of this admonition, Mr. Spalding entered upon and took possession of the surplus waters of the canal, whose use had been sold as aforesaid to Kennedy and Hatch. Immediately over the race he erected a large flouring mill; he covered the race, and constructed a mill yard upon the same, and diverted a part of the water from the channel which had been constructed for it by the State; which water he sold or leased to other individuals, for the use of machinery and mills.

Mr. Spalding thus appropriated to himself land and water which had never belonged to him ; the water having been brought from Lake Erie, and the land occupied by the race having been taken from Comstock, and appropriated by the laws of the State to the public use. It constituted a part of the public works, which, by the articles of the constitution, are declared to be the unalienable and inde-feasible property of the people of this State. And had the lands purchased of Comstock been injured by the canal, instead of being enhanced in value as they have been an hundred fold, Mr. Spalding could not have even applied for damages, inasmuch as he could have obtained no title or claim to the property of which Comstock had been divested by the laws of the State. Not having been deprived of either land or water, nor having been injured in any respect whatever, Mr. Spalding could not present any legal or equitable claim upon the State.

Soon after this trespass upon the surplus water, the lessees complained of Mr. Spalding's infringement of their rights, and called on the Canal Commissioners and Canal Board to prevent him from the further use of the water.

It ought to be borne in mind that when the water was leased, the commissioners were unauthorised, as they now are, to lease with it any land belonging either to the public or individuals. The lessees therefore took only the exclusive right of using the water, and of drawing it from the canal or race, in such manner as, in the opinion of the canal commissioners, would not be injurious to the public works; and in case they had no land on which to erect hydraulic works, they took the risk of being able to purchase it, or of finding their recompence in selling their privilege to those who might possess or procure a location for mills or machinery. Mr. Spalding, by taking possession of the race, and of the water, and refusing to make any compensation to the lessees, wholly deprived them of the beneficial use of their property. They alleged that the tacit permission to Spalding to use the water, prevented them from occupying it, and also from selling the right of using it to others ; that this indulgence operated as a fraud upon them, and its further continuance would be a breach of good faith on the part of the commissioners, who, in selling the water, were bound, in common justice, to deliver it to the purchaser, or to exercise that authority which they so fully possessed, of preventing other persons from taking possession of it, to the exclusion of the rightful owners. In this view of the case, the ca-

nal board entirely concurred; but desirous of an amicable adjustment of the controversy, and reluctant to stop the mills while there remained any probability that this measure could be avoided, the board requested the then Comptroller, now Judge Marty, to communicate to Spalding its opinion of the illegality of his proceedings, and of the necessity there would be of depriving his mills of the use of the water, should he neglect to make some compromise, or purchase of the lessees.

This friendly notice, which it was hoped would lead to a compromise between the parties, failed of producing the desired effect. Mr. Spalding refused to listen to any terms of accommodation, and persisted in using the water, in defiance of the rights of the lessees. Not long after this, Kennedy, one of the lessees, died, and his interest in the lease falling into the hands of others, no united application by the persons interested was made, either to the canal board, or to the commissioners, until the autumn of 1829, when Charles E. Dudley, Benjamin Knowler, Lot Clark and Thomas W. Olcott, who had purchased the rights of the first lessees, applied to the canal commissioners to prevent the further use of the water by Spalding. Written notice of this application was served upon him. He however neglected to appear; and the commissioners, satisfied that there was no prospect of an amicable settlement between the parties, passed a resolution directing the superintendent to discharge the water through the locks, and not allow it to be drawn to the use of any mill or machinery, without the permission of the lessees.

The effect of this measure has been, to put the lessees in the partial enjoyment of their property. And it is believed that its example will tend to prevent other depredations upon the surplus waters of the State.

Since this order has been put in execution, the mills belonging to Spalding have ceased to run. Fortunately for the surrounding country, there are other mills and machinery which are kept in operation by the surplus water which has been purchased of the lessees, and drawn over land granted by Spalding for the construction of a race, and from which he had undertaken to sell water rights.

In the winter of 1830, Mr. Spalding applied to the Canal Board to

vacate this order ; but the Board, after a full investigation of all the facts and circumstances connected with this controversy, passed a resolution affirming the order of the commissioners.

STEPHEN VAN RENSSELAER,  
SAMUEL YOUNG,  
HENRY SEYMOUR,  
WILLIAM C. BOUCK.

*January 17, 1831.*

**STATEMENT, showing the amounts of Toll received by the several Collectors on the Erie, Champlain, Oswego and Cayuga and Seneca Canals, for the years 1889 and 1890, and also the Increase and Diminution at each place.**

**ERIE AND CHAMPLAIN CANALS.**

PLACE OF COLLECTION.	COLLECTED IN 1889.	COLLECTED IN 1890.	INCREASE.	DIMINUTION.
Albany, .....	161,443 69	212,044 82	50,601 13	
West Troy, .....	85,259 46	124,771 46	39,512 00	
Schenectady, .....	29,671 96	37,805 98	8,134 02	
Little Falls, .....	9,648 21	8,670 97	.....	977 24
Utica, .....	42,122 33	46,142 10	4,019 77	
Rome, .....	23,956 78	26,835 26	4,878 48	
Syracuse, .....	60,752 69	85,876 30	25,123 61	
Montezuma, .....	66,701 63	75,845 74	9,144 11	
Lyons, .....	27,733 55	24,229 18	.....	3,504 37
Palmyra, .....	44,845 71	48,337 94	3,492 23	
Rochester, .....	98,518 17	150,128 83	51,610 66	
Albion, .....	12,019 99	12,138 95	118 96	
Brockport, .....	10,150 26	12,313 52	2,163 26	
Lockport, .....	12,503 42	21,553 24	9,049 82	
Buffalo, .....	25,957 38	48,958 64	23,001 26	
Geneva, .....	11,402 43	31,478 29	20,075 86	
Waterford, .....	16,305 75	9,775 17	.....	6,530 58
Sloop Lock, .....	928 73	752 12	.....	176 61
Fort Edward, .....	10,516 28	11,766 49	1,250 21	
Whitehall, .....	44,617 10	41,051 68	.....	3,565 42
	<u>795,055 53</u>	<u>1,032,476 68</u>	<u>238,175 38</u>	<u>14,754 22</u>

## CAYUGA AND SENECA CANAL.

PLACE OF COLLECTION.	COLLECTED IN 1829.	COLLECTED IN 1830.	INCREASE.	DIMINUTION.
Geneva, .....	4,100 22	5,223 39	1,123 17	
Montezuma, .....	4,543 27	6,764 42	2,221 15	
	8,643 49	11,987 81	3,344 32	

## OSWEGO CANAL.

PLACE OF COLLECTION.	COLLECTED IN 1829.	COLLECTED IN 1830.	INCREASE.	DIMINUTION.
Salina, .....	7,533 35	8,662 32	1,128 97	
Oswego, .....	1,906 09	3,672 86	1,766 77	
	9,439 44	12,335 18	2,895 74	

## SUMMARY.

Erie and Champlain canals,...	795,055 52	1,032,476 68	237,421 16	
Cayuga and Seneca canal,....	8,643 49	11,987 81	3,344 32	
Oswego canal,.....	9,439 44	12,335 18	2,895 74	
Total, .....	\$813,138 45	\$1,056,799 67	\$243,661 22	

*STATEMENT of the whole quantity of down-freight, upon which toll is charged by weight, that was conveyed on the New-York Canals, to the city of Albany, during the season of canal navigation, in the year 1880, which amounts to one hundred and four thousand five hundred tons, estimating a ton at two thousand pounds, and consists principally of the following articles.*

ARRIVED.

	Bbls. Flour.	Bbls. Ashes.	Bbls. Provisions.	Bush. Salt.	Bbls. Whiskey.	Hhd. Whiskey	Boxes Glass.	Bbls. Lard.	Bush. Wheat.	Bush. Corn, Eye and Oats.	Bush. Barley.
April,.....	19,654	2,279	3,154	55	4,311	178	791	353	7,422	10,909	748
May,.....	64,666	5,102	5,850	904	8,018	292	1,813	972	38,623	39,675	1,360
June,.....	21,082	1,665	325	2,295	3,001	40	132	905	20,434	20,836	
July,.....	15,335	3,358	352	650	2,681	157	635	105	8,756	9,636	3,300
August,....	19,800	2,355	202	7,826	1,590	197	612	4	7,793	374	7,529
September, .	48,719	2,462	144	9,218	1,734	162	1,050	20	25,012	6,047	35,021
October, ...	74,092	2,871	295	7,502	2,166	189	608	21	25,335	14,248	74,546
November, ..	101,941	3,986	8,580	13,701	3,013	137	678	24	58,063	14,527	48,102
December, ..	31,611	2,094	3,106	450	1,693	68	5	....	17,583	4,737	12,177
Total,.....	396,900	25,671	22,008	42,601	28,207	1,420	6,374	2,404	209,011	114,989	182,783



To the foregoing must be added the following property, upon which toll is not charged by weight, and is not included in the number of tons of down freight above stated.

## ARRIVED.

	CORDS WOOD.	FT. TIMBER.	M. SHINGLES	FT. LUMBER	
April, .....	158	.....	581	863,38	rie Ca
May, .....	2,284	400	3,839	4,897,97	
June, .....	1,800	30,000	2,176	4,216,82	
July, .....	1,266	274	2,222	4,579,74	
August, .....	1,432	.....	786	2,999,56	Pound
September, ....	2,614	.....	451	2,285,18	
October, .....	1,849	.....	984	2,591,84	
November, ....	2,153	435	692	2,965,66	
December, ....	280	512	79	432,80	
Total, ....	12,996	31,621	11,810	25,832,14	

The quantity of merchandize, &c. that was conveyed on the canals from the city of Albany, and the amount of toll paid thereon in the year 1830, is as follows :

## MERCHANDIZE.

## TOLL.

	NETT TONS.	DOLLARS.	
April, .....	2,761	15,375 6	
May, .....	7,981	44,242 0	
June, .....	2,251	18,067 0	
July, .....	2,617	13,794 3	
August, .....	2,386	15,001 5	
September, .....	4,413	27,662 6	
October, .....	6,948	42,856 4	
November, .....	5,795	31,736 3	
December, .....	820	3,301 0	
Total, .....	39,972	\$212,027 2	

The whole number of canal boats that arrived at and departed from Albany in the year 1830, was twelve thousand eight hundred and ninety.

rie Canal Board.

	Pounds Fu	Ft. Lumber.	Aggregate Weight.
4	5'	.....	1,955,735
5	7,71610	8,469	3,799,087
4	28,9130	19,815	2,976,268
8	49,2'570	28,825	3,628,684
9	59,41565	37,929	3,471,443
8	6,4'483	20,000	5,590,572
6	11,5072	11,961	5,018,442
8	.....	8,500	5,262,446
0	.....	1,000	1,390,625
2	164,04430	136,499	33,093,302
9	.....	39,125	3,019,857
3	164,04430	97,374	30,073,445

[A. No. 38.]

	Per
April,.....	35
May,.....	1,34
June,.....	1,47
July,.....	54
August,.....	31
September,....	44
October,.....	1,11
November,.....	1,11
December,.....	11
Total,.....	5,94

Total merchandize in 18  
do in 18

Increase in 1890.....

THE WHOLE NUMBER OF CHINA BIRDS TAKEN AT ALBANY IN THE YEAR 1830, WAS TWELVE THOUSAND EIGHT HUNDRED AND NINETY.

### ACCOUNT of property arriving at Buffalo on the canal during the year 1880.

	Merchandise.		Household furniture, ware, principally out state.		Sundries for Ref- sale.		Barrel.		Weight.		Stons, &c., to Buffalo.		Aggregate.
	Buffalo, &c.	Out State.											
April, .....	296, 270	297, 458	130, 558		78, 322	613			120, 916		75, 000		1, 000, 524
May, .....	1, 387, 466	2, 535, 117	837, 725		80, 873	6, 329			1, 860, 616		134, 502		6, 359, 299
June, .....	479, 283	795, 524	381, 241		52, 627	12, 980			3, 945, 607		98, 458		5, 752, 740
July, .....	592, 564	811, 786	386, 318		48, 112	12, 487			3, 667, 549		67, 580		5, 575, 909
August, .....	313, 110	1, 075, 478	270, 617		15, 064	11, 584			3, 506, 908		51, 934		5, 233, 111
September, ....	447, 810	2, 206, 993	540, 681		34, 024	12, 453			3, 827, 317		142, 230		7, 301, 065
October, .....	1, 182, 755	3, 064, 897	695, 333		207, 968	10, 637			2, 239, 698		158, 130		8, 548, 781
November, ....	1, 126, 132	1, 255, 657	386, 589		135, 736	5, 454			1, 684, 143		94, 550		4, 682, 807
December, .....	117, 655	54, 871	33, 245		125, 593	2, 933			893, 500		60, 890		1, 285, 754
Total, .....	5, 945, 045	12, 122, 781	3, 664, 307		778, 319	75, 370			22, 746, 254		883, 274		46, 139, 980
									In 1829, .....				37, 306, 976
Total merchandise in 1830, .....													8, 933, 004
do in 1829, .....													
													Increase in 1830, .....

**Increase in 1890..... 3,765,874 pounds.**

THE  
JOURNAL  
OF  
THE  
ROYAL  
ANTHROPOLOGICAL  
INSTITUTE  
OF GREAT  
BRITAIN  
AND IRELAND  
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1905

No. 39.

## IN ASSEMBLY,

January 18, 1831.

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### MESSAGE

From the Governor, transmitting a letter of the Special Counsel, concerning the special circuit court and court of oyer and terminer, in the county of Niagara.

#### TO THE LEGISLATURE.

GENTLEMEN—

I have received official notice, that the special circuit court, and court of oyer and terminer, in the county of Niagara, which was adjourned over to the first Monday in January instant, has ceased. It was intended to have had that court adjourned until the second Monday in February next, when one of the justices of the supreme court would be at leisure to hold it, according to the design of the Legislature; and an arrangement had been made with Judge Marcy to that effect. The letter of the Special Counsel addressed to me, accompanied by the letter, which he received from Judge Gardner, transmitted to you herewith, will explain the causes of the failure. The motives which induced the Legislature originally to provide for a special court, still exist with unabated force, and there is now superadded to them, considerations of public interest, arising from preparations for the court which was expected to be held on the second Monday in February. The existing laws, do not, in my opinion, confer sufficient power upon the supreme court to meet the necessities of the case.

I do therefore recommend that a law be passed, reviving the provisions of the act of April 17, 1830, so far as to enable the court to

[A. No. 39.]

be held on the second Monday of February next, and to be continued by adjournment. The manifest propriety of giving time for both parties to prepare for trial, will, I trust, induce the Legislature to act in this matter without delay.

E. T. THROOP.

*Albany, January 18, 1831.*

**Communication of the Special Counsel.***Pompey, January 14, 1831.***DEAR SIR—**

I enclose herewith three letters from Judge Gardner, being all that I have received from him. There seems to have been some misunderstanding between us which I very much regret. It seems that he had got the impression that the adjourned circuit was fixed for the first Monday of January; which impression was probably the cause of his leaving home so as not to have received the communications I addressed to him from Albany, the moment I had obtained Judge Marcy's consent to hold the circuit, and in season to have reached him at Rochester in time to have gone out and adjourned the court. From his last letter, I suppose it certain, that the court will not have been adjourned over, and of course must fail, unless we take one of two courses. Either procure an order of the Chief Justice, under the stat. 2 Revised laws, p. 204, sec. 24, or a special act, appointing a circuit for the second Monday of February. The objections to the former course, which have occurred to me in the short time that I have had to reflect on the subject, are these—A question may possibly arise, whether the section referred to is intended to provide for the failure of such a special court as this; a question which would arise after trial. And the question would be, whether the court, held under such appointment of the Chief Justice, would have power to adjourn, should imperious circumstances render it indispensable. I don't know that there can be a serious doubt on these questions, but an apprehension of either as a possible consequence, would render it advisable to pursue a safe course if practicable. Upon the whole, I submit to your consideration the proper course to be observed. Should you incline to an appointment by the Chief Justice, I would wish it made promptly and for the second Monday of February. But perhaps it would not be prudent to take this course, unless upon due advisement, it should be thought safe. It might be prudent to have the opinion of the Attorney-General on this subject. Should you incline to the course of obtaining a special act, I would then wish your Excellency to refer the matter to the Legislature in a manner to command their prompt attention.

Mr. Gardner's last letter mentions one circumstance before unknown to me, as to the objections to his trying the indictments in Monroe, namely—that he was district-attorney on one or both of these cases. So that the necessity of obtaining another judge for that circuit, would seem to be indispensable.

Very respectfully, I am sir,

Your Excellency's ob't ser'vt.

**VICTORY BIRDSEYE,**  
*Special Counsel.*

**HIS EX. ENOS T. THROOP.**



## Letter from Judge Gardner to the Special Counsel.

*Manlius, 11 January, 1831.*

DEAR SIR—

I have this moment finished the perusal of your report. You remark that you expect me to adjourn the Niagara circuit. I regret extremely that there should have been any misunderstanding on this subject. When you wrote me upon the subject of Judge Moseley's holding the circuit, and requesting me to adjourn it to some day to be fixed by Judge Moseley and yourself, I replied that I would attend for that purpose, and requested you to inform me by letter, by an early day, of the time agreed upon, as I contemplated a journey to the east. I had the impression, which has continued until I saw your report, that Judge Marcy adjourned the circuit until the *first* Monday of January. I remained at Rochester until the first day of January, and receiving no communication from you, I supposed that some arrangement had been made, by which the circuit was to be held at the time to which it then stood adjourned. My own misapprehension as to the time, and no reply having been received to my letter, are the causes of this unpleasant mistake. I regret its occurrence the more as it may delay you in the discharge of duties already sufficiently embarrassing.

A special act of the legislature may of course be procured fixing the circuit in February. And perhaps this may be the only inconvenience resulting from this error.

I observe your report is dated at Albany. I have thought it probable that you might have been there when I wrote you, and directed my letter to you at Pompey.

In relation to the Monroe circuit, should you be able to procure the attendance of a judge, it would not be necessary that he should reach Rochester until late in the second week, when your causes could proceed without interruption. You are aware that I was district attorney when the bills were found in that county, and my name is attached to one, if not both of them, in that character. There would be an obvious impropriety in my presiding at such trial, independent of the considerations I suggested to you in my former letter.

Yours, very respectfully,

A. GARDNER.

VICTORY BIRDSEYE, Esq.

**No. 40.**

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**IN ASSEMBLY,**

**January 17, 1831.**

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**REPORT**

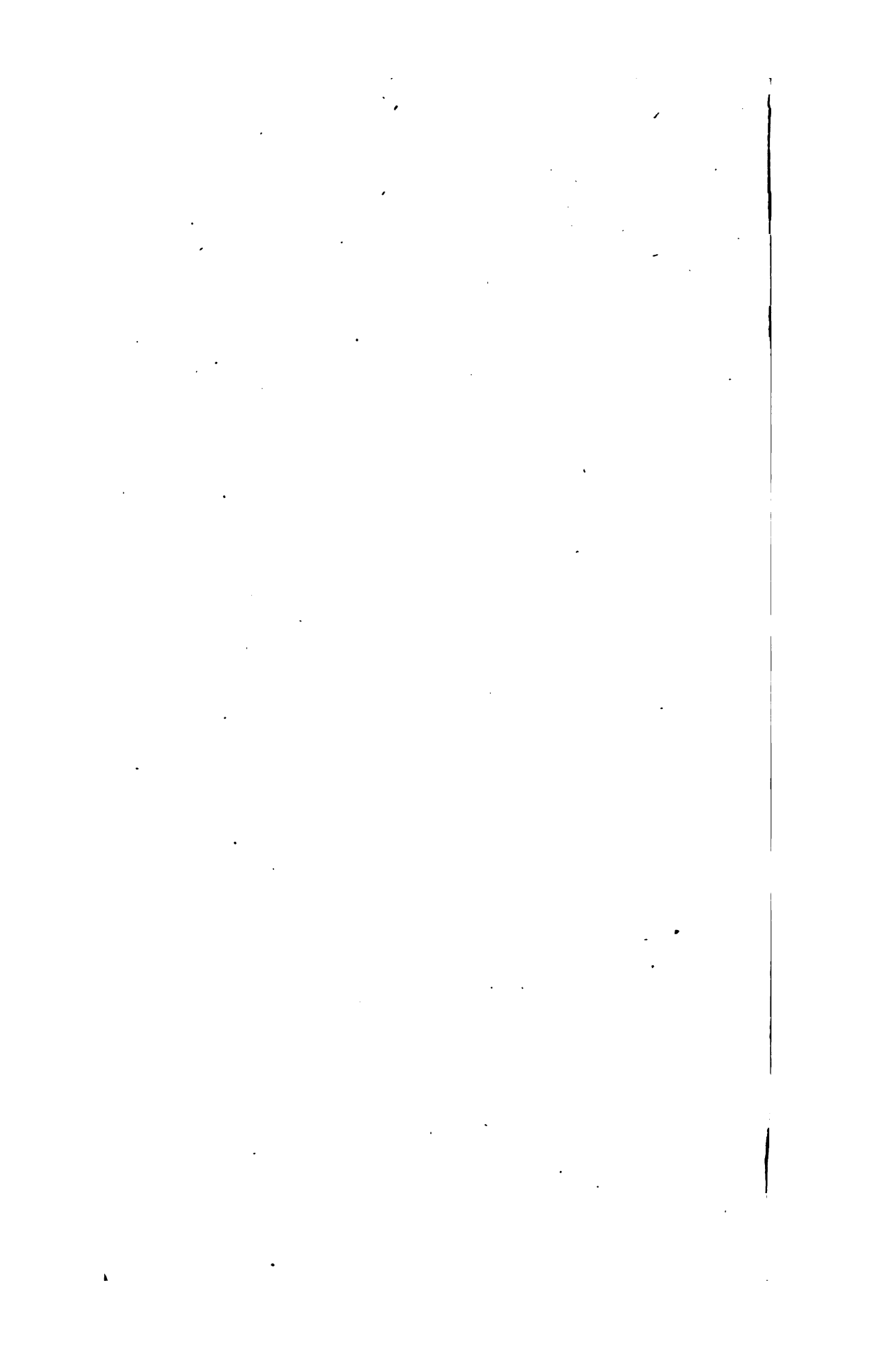
**Of the Select Committee on the memorial of the  
Common Council of the city of New-York, in re-  
lation to the office of collector in said city.**

Mr. Livingston, from the select committee to which was referred the memorial of the common council of the city of New-York, relative to a law authorising the appointment of collectors in said city,

**REPORTED—**

The collector of taxes for the 13th ward of said city, immediately after his election, entered upon the discharge of his duties ; but by reason of severe indisposition, soon became disabled from proceeding therewith. No hope is entertained of his speedy recovery ; and it has been deemed necessary by the corporation of the city, to appoint another person in his place, to act as collector of the ward, and complete the duties of such office for the remainder of the year. The Revised Statutes, (vol. 1, 399,) provide for the appointment of a new collector under such circumstances, by the supervisor and two justices of the town or ward ; but there being no two justices belonging to the 13th ward, or to any ward in the city of New-York, doubts are entertained of the sufficiency of the law to meet the present or any similar case occurring in that city. These doubts are strengthened from the fact, that authority is given to the corporation of the city of Albany to appoint a collector whenever a case similar to the one in New-York may happen. See R. Stat. vol. 1, 421.

The committee therefore deem it expedient that a law should be passed, conferring upon the corporation of the city of New-York, powers similar to those conceded to the corporation of the city of Albany, relative to the appointment of collectors. A bill has been prepared, and leave is asked to introduce the same.



**IN ASSEMBLY,**

**January 19, 1831.**

---

**REPORT**

**Of the Committee on the Judiciary, on the petition of inhabitants of the city of New-York, relative to the office of vice-chancellor in said city.**

The committee on the judiciary, to which was referred the petition of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the appointment of a vice-chancellor to reside in the city of New-York,

**REPORTED—**

That by reference to the Journals of the Assembly, it will be seen, that the subject of the appointment of a vice-chancellor to reside in the city of New-York, and whose official duties should be confined exclusively to the court of chancery, was agitated in the Legislature of 1829. Among the documents accompanying the special message of the Governor of March 2d of that year, same Journals, p. 585, there will be found a strong opinion of the chancellor in favor of the measure. In the same Journals, p. 731, there will also be found the report of the judiciary committee upon the subject, which portrays at length the inconveniences and evils suffered, and sets forth the necessity and propriety of legislative relief in the manner proposed, as prayed for by the petitioners. To this report, and the document above mentioned, the committee beg leave to refer.

It is the opinion of the committee, that the interests of suitors in the court of chancery, the interest of the public, and the due administration of justice, require the passage of a law appointing a vice-chancellor for the first circuit. This opinion is fully confirmed by

the communication of the chancellor on the subject, herewith submitted, and which is in answer to a note addressed to him by the committee. A bill has accordingly been prepared, and leave is now asked to introduce the same.

All which is respectfully submitted.

P. ROBINSON, Ch'n.

No. 42.

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IN ASSEMBLY,

January 15, 1831.

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ANNUAL REPORT

Of William P. Lansing, an Inspector of Lumber, for  
the town of Watervliet, county of Albany.

*To the Honorable the Legislature, of the State of New-York.*

Amount of lumber measured and inspected in the town of Water-  
vliet, county of Albany, during the year 1830.

Of first quality,.....	3,587 feet.
“ second “ .....	16,245 “
“ third “ .....	124,936 “
“ fourth “ .....	175,232 “
	<hr/>
	320,000

Amount of Fees,..... \$120 00

WILLIAM P. LANSING,  
*Inspector.*

*Watervliet, Jan. 1, 1831.*

[A. No. 42.]



No. 43.

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## IN ASSEMBLY,

January 18, 1831.

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### REPORT

**Of the Committee on Colleges, Academies and Common Schools, on the act concerning district school-houses.**

Mr. Morehouse, from the committee on colleges, academies and common schools, to which was referred "An act concerning district school-houses,"

#### REPORTED—

That they have examined the said act and the provision of the statute intended to be thereby abrogated. They believe the powers conferred by law upon the inhabitants of school districts to designate a site for their school-house, and to lay such tax as shall be sufficient for the purpose of erection thereof, are, ordinarily, the most important and exciting, which they as an assembled body may exercise. That nothing can add so much to the impressiveness of that importance, nor more essentially contribute to a just and intelligent decision, than the consideration, that their determination is immutable. The committee believe that it would seldom happen, under the existing law, that the site of a school-house, deliberately fixed, would require to be changed, while the district remained unaltered: and they think they have just cause to apprehend that the care and deliberation which would now distinguish the termination of differences of opinion where they existed upon that subject, might cease to be characteristic, if no obstacles were interposed to change. The act in question furnishes substantially neither stop nor impediment to alteration. The consent of a majority of the school commissioners of the town, cannot reasonably be deemed a hindrance. Applica-



tions for such consent may be made to them individually ; they would in all cases be *ex parte*, and in most instances granted as a matter of course ; if in anticipation of a district meeting, from confidence in the wisdom of their fellow-citizens, and if in confirmation of a vote already taken, from deference to the judgment of the majority.

The committee believe that the qualified inhibition contained in the law as it now stands, as a general rule, is wise and salutary ; but that cases may exist or hereafter occur, in which a rigid adherence to it would produce great and manifest inconvenience ; and that it is practicable to provide for such cases, without sacrificing the principle of the section to be repealed : and to that end the committee would suggest for the consideration of the House, the following amendment, to be inserted at the conclusion of the first section of the act referred to them and herewith presented :

“ And the assent, by vote of two-thirds of the inhabitants of such district, qualified to vote therein at district meetings.”

**IN ASSEMBLY,**

**January 18, 1831.**

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**REPORT**

**Of the Committee on the Judiciary, on the bill entitled "An act authorising the appointment of a supreme court commissioner to reside in the village of Cortland, in the county of Cortland."**

Mr. Robinson, from the committee on the Judiciary, to which was referred the bill entitled "An act authorising the appointment of a supreme court commissioner to reside in the village of Cortland, in the county of Cortland,

**REPORTED—**

That the bill, as its title imports, provides for the appointment of a supreme court commissioner to reside in the county of Cortland.

The necessity and propriety of the passage of the bill referred to the committee, will be found in the fact, that no one of the judges of the court of common pleas of that county, is of the degree of counsellor in the supreme court; and that no supreme court commissioner resides therein, and no person authorised to perform the duties of a justice of the supreme court at chambers, resides therein, or within thirty miles of the county town of the county.



**No. 45.**

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**IN ASSEMBLY,**

**January 18, 1831.**

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**REPORT**

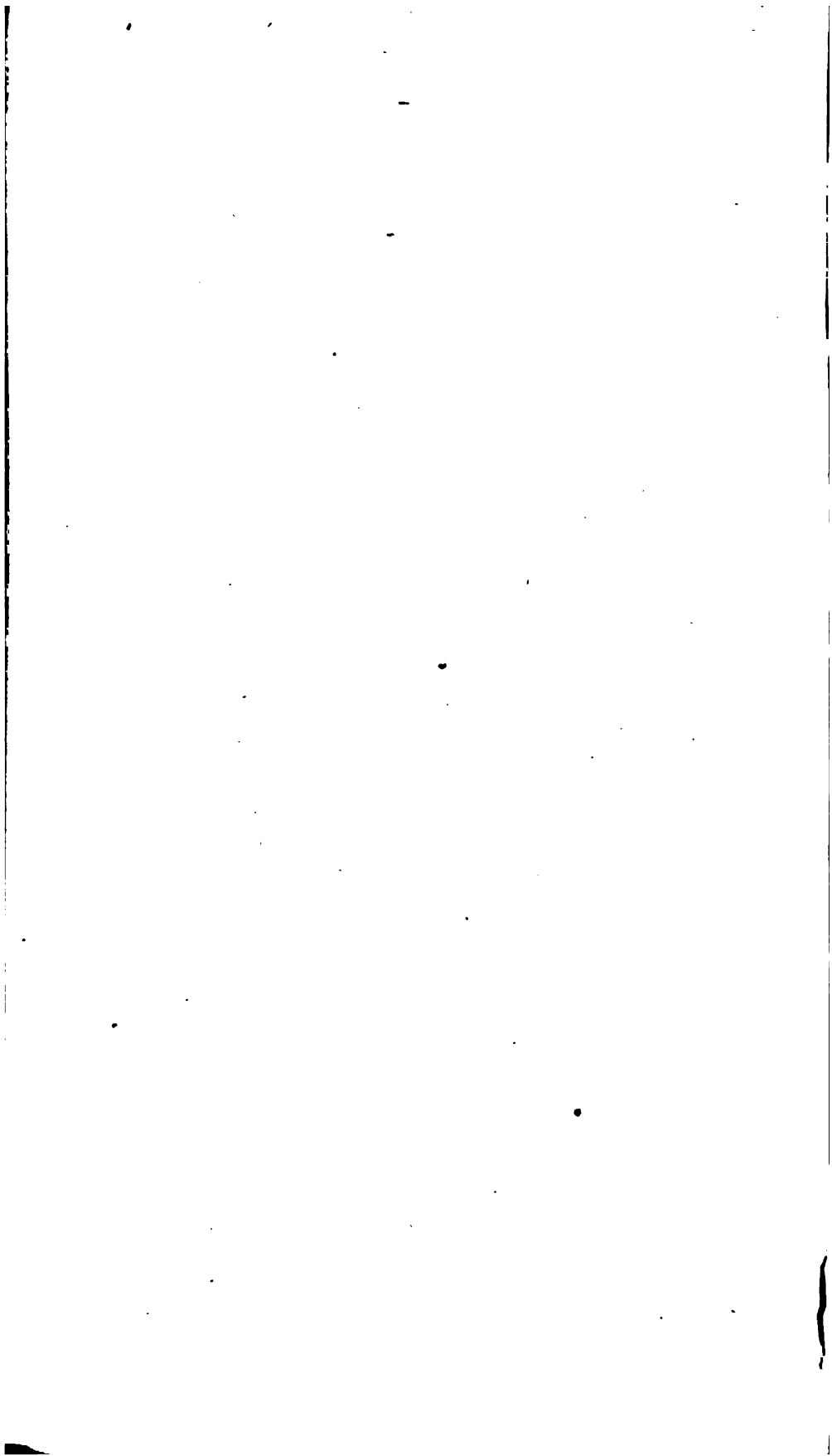
**Of the Select Committee on the petition of the  
Supervisors of the county of Erie.**

Mr. Fillmore, from the select committee to whom was referred  
the petition of the supervisors of the county of Erie,

**REPORTED :**

That they have had said petition under consideration ; and it appears from the facts stated in said petition, the truth of which the committee have no reason to doubt, that the jail in said county was erected at an early period, and is now much too small to answer the purposes for which it was erected. That its internal arrangements are bad, and cannot be remedied without entirely re-building it ; and that its location is not convenient. They therefore pray for the passage of a law authorising them to sell and convey the same, together with the lot on which said jail is situated, and apply the proceeds towards the erection of a new jail, to be erected on the lot upon which the court-house stands in said county, in rear of the same, and also for authority to raise by tax such further sum as may be necessary, not exceeding three thousand dollars, to build and complete such jail.

Believing that it would be for the interest of said county to build such new jail, instead of attempting to repair the old one, and that a new jail is necessary, the committee have come to the unanimous conclusion that the prayer of said petitioners is reasonable, and ought to be granted, and have directed their chairman to report a bill accordingly, and ask leave to introduce the same.



**IN ASSEMBLY,**

**January 21, 1831.**

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**REPORT**

**Of the Comptroller, on the Petition of John H. Johnson.**

STATE OF NEW-YORK, }  
COMPTROLLER'S OFFICE. }

The Comptroller, to whom has been referred by the Honorable the Assembly, the petition of John H. Johnson,

**RESPECTFULLY REPORTS :**

That lot number seventy-five, in the township of Hannibal, Oswego county, consisting of six hundred acres of land, was returned to this office charged with the taxes of the years 1817 to 1821, both inclusive ; that the lot was advertised to be sold at the tax sale which took place in March and April, 1826, for the taxes so charged upon it, and that ninety acres in the north-west corner thereof, were sold, on the 19th day of April, 1826, to Harvey Baldwin, for the sum of \$170.08, that being the amount of the said taxes, and interest thereon, and of the charges of advertisement and sale.

That sale closed on the 27th day of April, and the law allowed two years from the close of the sale, to make redemption of the lands sold, which two years expired on the 27th day of April, 1828.

On the 26th day of April, 1828, as appears by the paper annexed to the petition, the customary certificate was made, in this office, of the amount necessary to be paid into the treasury of the state, in order to redeem the ninety acres, sold from this lot. The course necessarily pursued in these cases, is to make out the certificate and deliver it to the person calling for it, that he may take it to the

treasury, and make his payment. This is invariably done without giving to the certificate, the necessary signature of the Comptroller, or his deputy, so that the person may be sure to return it to this office, and so that the certificate may not get out of the office until it is duly entered at length, in the tax diary, which entry only can authorise the posting of the payment to the proper lot. The receipt of the Treasurer is also to be countersigned by the Comptroller or his deputy, before it is evidence of payment, (See chap. 8, title 3, sec. 4, of the first part of the Revised Statutes.) This also makes it necessary that the certificate, with the Treasurer's receipt thereon, should be returned to this office. When that is done, the charges in the certificate, with the description of the lot or lots, against which they are made, are copied in the tax diary, and are carefully examined to see that the castings and additions are correct, and that the copy made in the book, exactly corresponds with the certificate, which being completed, the certificate is signed, and the receipt of the Treasurer, for the money, is duly countersigned.

In this shape the voucher is delivered to the person making the payment, and from that period, the state may be considered properly, responsible for the application of the money, according to the direction, as shown by the bill and receipt.

This certificate, as appears from its face, (it not being signed, or the receipt of the Treasurer countersigned,) as well as from the books of this office, was never returned here, after the payment of the money to the Treasurer; but the person making the payment, not probably aware of the necessity of the entry of the payment, or of the countersigning of the receipt, must have paid the money for the bill, and taken the certificate and receipt, in the state they now are, away with him. The consequence of this neglect on his part was, that no account of his payment would appear upon the books of this office, unless it should be entered from the Treasurer's day book, upon the comparison which takes place, at the close of each month, between the books of the respective officers, and in that case, the entry would not show upon what lands the payment should be applied, as the Treasurer merely enters the name of the payer, the date, and amount of the payment, and the account for which it is paid, but keeps no note of the particular lands upon which any payment is to apply.

It is found from examining the Treasurer's book, that this sum of \$204.10 was paid into the treasury, on the 26th April, 1826, by

E. F. Willey, on account of redemptions of lands sold for taxes, as his receipt accompanying the petition purports. It is also found upon examining the books of this office, that no entry of this payment was made here, and consequently that the payment was not posted to this lot upon the tax sales book.

It further appears, that on the 27th November, 1829, the purchaser of this land at the tax sale, called for and received a deed for the ninety acres sold to him, the same not appearing from the books to have been redeemed.

The consequence is, that the money paid into the treasury by Willey, on the 26th April, 1828, to redeem this land, now remains in the treasury, and equitably belongs to him or his assigns, as the power to apply it to the object to which it was intended to be applied at the time of the payment, has ceased by reason of the conveyance of the land to the purchaser, as has also all claim of the purchaser to this money, by his acceptance of the deed for the land.

No reason is seen therefore, why a law should not be passed, directing the payment of this money to the person who shall appear to the legislature to be entitled to it. The claim of interest however, set up in the petition, is considered very questionable. The neglect to have the payment duly entered in this office, was wholly the fault of the person making the payment, as he carried away with him and did not present at this office, the only evidence upon which the credit for the payment could have been carried to the lot, and thus have prevented the conveyance of the part sold to the purchaser, at the tax sale. Had the certificate and Treasurer's receipt been presented here, at any time before the conveyance, it probably would have answered the purpose, and the conveyance was not made until a year and a half after the payment.

Again, it is not pretended that the certificate and receipt were presented at the treasury, and the request made to have the money refunded, until November last, a year after the land was conveyed. It is not believed that the petitioner should demand interest from the state, for money paid into the treasury correctly, but which failed to be applied, by his own neglect, to comply with the provisions of a positive statute, and especially when he has, by his own delay, caused the lapse of time for which interest is demanded.

Respectfully submitted.

SILAS WRIGHT, Jr.

*Comptroller.*

Dated Albany, January 21, 1831.





No. 47.

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# IN ASSEMBLY,

January 18, 1831.

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## ANNUAL REPORT

Of Sylvanus Russell, Inspector of Beef & Pork and  
Staves & Heading for Erie county, 1830.

*To the Honorable the Legislature of the State of New-York.*

The following is an account of the pork and staves inspected by  
the subscriber in 1830.

### PORK.

July—Pork inspected for N. Rossiter,  
9 bbls. mess pork.  
6 do. prime pork.

### STAVES.

March—Pratt, Sears & Co.....	32-2-1-10	Prime staves.
Sept. Meech, Jackson & Co. ....	20-6-3-00	do.
John Scott, .....	11-7-3-15	do.

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65-6-1-25 Total.

SYLVANUS RUSSELL,  
*Inspector.*

*Buffalo, January 12, 1831.*



**IN ASSEMBLY,**

**January 19, 1831.**

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**REPORT**

**Of the committee on canals and internal improvements on the petition of Dorastus H. Alden.**

Mr. Edmonds, from the committee on canals and internal improvements, to whom was referred the petition of Dorastus H. Alden, praying for a law authorising the appraisers of damages on the Champlain canal, to allow him compensation for certain services and claims therein mentioned,

**REPORTED—**

That the petitioner represents he is the owner of certain lands in the valley of Wood Creek, in the county of Washington, which border on and run into the Kingsbury swamp; that that swamp is drained by Wood Creek, which takes its rise in that valley, and is here a sluggish stream, and that the waters in the swamp were increased by the leakage of the canal and a waste-weir about a mile below the petitioner's land, and the petitioner alleges that those waters were still farther increased in the valley, in consequence of the sediment deposited by the waste-weir and of trees, which were destroyed by the increased water, and which fell across and choked up the stream.

He further alleges, that in order to guard against the leakage, it was necessary to dig a ditch along the bank of the canal, and from thence to the bed of Wood Creek; and that in order to remove the obstructions caused by the waste-weir, it was necessary to dig a ditch along the bed of the creek, about 165 chains.

The petitioner denies that the canal enhanced the value of his lands, but he admits that he has received \$900, which was awarded to him for damage to his lands, arising from the construction of the canal: he admits that the leakage is entirely guarded against by a ditch dug by himself, at the expense of the state, for which he received \$255. He admits that he dug the other ditch, without any directions to do so, either from the canal board or the commissioners; that the expense thereof was in part defrayed by contributions from the owners of adjacent lands, and that his lands have increased thereby four fold in value, still the petitioner insists that inasmuch as he has expended a large sum in effecting this improvement, the state ought to remunerate him.

In support of this claim, he avers that he did suppose that the commissioners intended to make this same improvement, and that the waste-weir had caused the obstructions which rendered the improvement more difficult, if not more necessary.

How far forth, the injury from the leakage and the waste-weir, entered into the estimate of the appraisers, in determining the damages of the petitioner, your committee are not prepared to say. There is certainly no evidence before them, that it was not taken into consideration. And if they are free to indulge in surmises, they would presume that so large an appraisement was intended to cover an injury so inevitable, more especially after an interval of five years had elapsed between the filling of the canal and the appraisement, during which period, such an injury would be supposed to manifest itself, if ever.

It appears to your committee, that no efforts have been wanting on the part of the canal commissioners, to remove the injury complained of. When the leakage was said to be the source of the difficulty, they promptly directed measures which removed that evil.—When the waste-weir was complained of, it was entirely closed up, and the water is now discharged from the canal, at a greater distance from the petitioner's land, where its escape is more free and rapid.

So far from the petitioner's having any just ground for his belief that the state would be at the expense of the ditch, he had every reason for a contrary opinion. It is true, the acting commissioner did at one time direct the opening of this ditch, but he gave no such directions to the petitioner. And long before the petitioner commen-

ced his labors, he was distinctly informed that the commissioner had changed his views, and would remedy the evil by closing that waste-weir entirely.

It may be true, that the petitioner's task was increased by the deposits of the waste-weir, yet your committee are very much inclined to view the addition of two feet of earth to a swamp, almost constantly covered with water, as a benefit received, rather than an injury sustained.

The claim of the petitioner then rests within a very small compass. Without any authority from the state, but with the aid of his neighbors, he has, for his own convenience, opened a ditch, which has greatly increased the value of his own property. For this, your committee think he can have no claim on the state. They therefore recommend the adoption of the following resolution.

*Resolved*, That the prayer of the petition ought not to be granted, and that the petitioner have leave to withdraw his petition.



**IN ASSEMBLY,**

**January 19, 1831.**

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**REPORT**

**Of the select committee on the petition of inhabitants of the counties of Oneida, Madison and Oswego, for an act incorporating a company with power to construct a canal from the Erie canal to the Oneida lake.**

**Mr. Turrill, from the select committee to which was referred the petition of sundry inhabitants of the counties of Oneida, Madison and Oswego,**

**REPORTED :**

That the petitioners pray that a law may be passed incorporating a company with power to build and construct a canal from the Erie canal to the Oneida lake. This lake is about sixty miles in circumference, and is navigable for boats and sloops. On the borders of the lake there are large quantities of the best kind of timber; this timber is of little or no value to the owners, the land carriage being too great to warrant its transportation to the Erie canal; and unless some communication is opened between the canal and the lake, it must remain and decay on the spot where it grows. Before the construction of the Erie canal, the only navigable communication between the Mohawk river and the great western lakes, was through the Oneida lake. In consequence of this communication, many individuals were induced to purchase lands at high prices, on the borders and in the neighborhood of this lake.



When the Erie canal was constructed, the communication between the Mohawk river and the Oneida lake was totally destroyed; and the inhabitants soon discovered that their lands had decreased in value nearly one-half, and that those privileges which were the more inducements to them for settling in that section of the country, had been taken from them by the State.

The distance between the Erie canal and the Oneida lake, is three miles; and the lockage will be fifty-one feet. The whole cost of this side cut, if wood is used for the locks instead of stone, will not probably exceed \$30,000.

This proposed improvement will unite with the Erie canal on the middle section. On this level there is an abundant supply of water, as will appear from the report of the canal commissioners, made to the Legislature in February 1817. The commissioners in that report, speaking of this level, say, "the exuberant supply of water for the canal in this section, must be at once perceived from an inspection of the topographical map."

Uniting Oneida lake with the Erie canal, is by no means a new project. It occupied the attention of the canal commissioners at an early period; long before the middle section of the Erie canal had been completed. In the report above referred to, they say that "a connexion, by locks, can easily be made with the Onondaga lake; if it is thought advisable, a canal, uniting the great canal with the Oneida lake, can be effected."

The committee deem it unnecessary to enter into a minute detail of the quantity of lumber, produce, and other articles which will pass through this side-cut if constructed, that otherwise would never find their way to the Erie canal. An inspection of the map of that section of country, will convince any one that the proposed connexion between the canal and the lake, while it extends important advantages to a large extent of fertile country, must necessarily increase the amount of tolls on the Erie canal.

The petitioners are willing to construct this work at their own expense, and your committee are of the opinion that every facility

No. 49.]

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should be afforded by the legislature to individual enterprise, where it is to be productive of so much public good.

Your committee are, therefore, unanimously of opinion that the prayer of the petitioners ought to be granted, and have directed their chairman to ask leave to introduce a bill accordingly.



**No. 50.**

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**IN ASSEMBLY,**

**January 19, 1831.**

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**REPORT**

**Of the committee on canals and internal improvements, on the petition of Paisley Laing.**

**Mr. Edmonds, from the committee on canals and internal improvements, to whom was referred the petition of Paisley Laing,**

**REPORTED :**

That the petitioner alleges he was the owner of certain lands on the Hudson river, about half a mile above the Saratoga dam, and that the erection of that dam raised the water in the river about five feet opposite his premises, whereby his garden spot, containing three quarters of an acre, was entirely overflowed, and about half an acre was washed away by the river.

It appears that shortly after the erection of the dam, the canal appraisers, upon the application of the petitioner, adjudicated upon his claims for damages, and determined that he was as much benefitted as injured, and therefore refused to award him any damages. From this decision the petitioner did not appeal, and he now asks the Legislature to direct the canal appraisers to review his case and appraise his damages.

The Legislature has already provided an ample remedy for those who sustain damage by our canals, and has provided that if applicants are not satisfied with the decision of one tribunal, they may appeal therefrom, and have their claims examined by a different board. And this committee is persuaded that the Legislature ought not to grant a further remedy to one who entirely neglects to avail himself of those already so amply provided, and that to entitle any

one to such further redress, he ought, at least, to show either that he was prevented by circumstances over which he had no control, from availing himself of the existing remedies, or that the decisions already made, have worked manifest injury to him. Testing the case before them by these rules, the committee find that the omission of the petitioner to appeal, arose from his own neglect, and not from unavoidable causes; and they are quite satisfied, that if he had appealed, the decision of the appraisers would not have been either modified or reversed.

The petitioner values his whole land, including the house and buildings necessary for a tavern, at \$35 per acre. One acre and a quarter only has been destroyed or injured by the Saratoga dam. For that injury the petitioner claims of the State \$500, while the committee are of opinion that \$40 would amply compensate him. Whether the location of the canal near those premises did not benefit the petitioner, equal to this latter amount, the committee have no means of judging, nor have they any evidence before them as to this point, and they are unwilling upon the mere assertion of the petitioner to disturb the decision of appraisers, made nearly five years since, and upon a full knowledge of the case.

The committee are therefore of opinion that the petitioner has no claim upon the State, and they ask leave to recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted, and that the petitioner have leave to withdraw his petition.

No. 51.

## IN ASSEMBLY,

January 22, 1831.

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### REPORT

Of the Comptroller, on the petition of the Supervisor of the town of Salem in the county of Washington.

STATE OF NEW-YORK, }  
COMPTROLLER'S OFFICE. }

The Comptroller, to whom has been referred, by the honorable the Assembly, the petition of the supervisor of the town of Salem in the county of Washington, praying that the county treasurer of the said county of Washington may be credited for certain compound interest charged against him in this office,

#### RESPECTFULLY REPORTS :

That it appears, from an examination of the records in the office of the clerk of the supreme court in Albany, that in August term of the supreme court, 1820, a judgment was entered in that court, in favor of John Crary, supervisor of the town of Salem, plaintiff, against David Russel, defendant, upon a bond against the said David Russel, as the surety of the collector of the said town, for the sum of \$714.04 of debt, besides the costs of suit; that by an act of the Legislature, entitled "An act for the relief of David Russel," passed March 15, 1822, the Comptroller was directed to suspend collection from the county treasurer of the county of Washington, of the amount due from the said David Russel upon the judgment entered upon the said bond, until the first day of February, 1825; and by the second section of the act, the treasurer of the county of Washington was directed to suspend, until the same date, the collecting of the money due from Mr. Russel, provided Mr. Russel should, on or before the first day of February next af-

[A. No. 51.]

ter the passing of the act, pay into the treasury of the State, all the interest then due upon the debt against him, and should also yearly thereafter pay the interest to become due, until the whole principal should be fully paid.

The effect of this act was necessarily to suspend the collection of this demand for one year, whether Mr. Russel should finally comply with the condition of the act or not; though the Comptroller has no means of knowing in what situation the matter then was, or what was the prospect of immediate collection, other than from the allegations made in the petition.

The books of this office show that Mr. Russel paid, upon the said debt, on the 31st day of January, 1823, the sum of \$59.57; and that payment was the only one ever made by him, upon this account, into the treasury of the State.

The affidavit of Mr. Crary, annexed to the petition, shows that, from the time of the passage of the act of 1822, the attorneys in the suit against Russel have acted under the direction of the Comptroller, and not as the agents of the town of Salem, or of the county of Washington. He swears that they have, from that period, assumed the ground that the law of 1822 had released the town and county from liability, and had made the debt a debt of the State, and for the collection of which, it, and not the county, was responsible.

The facts in relation to this part of the affidavit, the Comptroller knows nothing of, any further than they are exhibited in that paper.

An examination of the account of the treasurer of the county of Washington, kept in this office, from the year 1822 to 1830, both inclusive, shows that the smallest balance at any time standing against the treasurer, during that period, has been \$2,144.54; and it will be seen from the law of 1822, that the amount due upon the judgment against Russel has, during the whole time, constituted so much of that balance. The accounts of the county treasurer are balanced upon the books of this office, every year, and as soon as the non-resident taxes of the preceding year, which do not reach here until February and March, can be examined, and transcribed into the proper book. This is usually done in May or June; and when the accounts of the year are thus closed, interest at the rate of seven per cent for the year is cast, upon any balance appearing

to be due, and charged to the treasurer, and forms a part of the balance carried down to the account of the subsequent year. This course of keeping these accounts is pursued from year to year, when any balance remains unpaid against a county treasurer; and the necessary consequence of the practice is, that any given sum, remaining unpaid, and constituting for a series of years, a fixed item in the balance standing against a county, is made to pay compound interest.

This is understood to be the matter of complaint in this petition. The petitioner assumes that this part of the balance against his county, and for which the county holds his town responsible, has been suffered to remain uncollected, from 1822 to this time, in consequence of the interference of the Legislature, by the act of the 15th March of that year, directing a suspension of the collection, for the benefit of the debtor. The debt has now been collected; but the petitioner alleges, what by the statutes of the State must be true, that they have only been allowed to collect simple interest upon the original sum, while, in consequence of the delay, the county has been charged compound interest upon the same money, as a part of the unpaid balance standing upon the books of this office against their treasurer.

That the manner of keeping the accounts of county treasurers, as before described, has had the effect of charging compound interest upon this fixed item of the balance annually standing against the treasurer of the county of Washington, must be true; but whether the interference of the Legislature, in the passage of the act of 1822, should charge the delay of collection, from that date to the present time, upon the State, or whether the county of Washington should be held accountable for that delay, or any part of it, is a question upon which the Comptroller does not feel himself called to express an opinion. The facts, so far as they exist within his knowledge, are given, and the conclusion to be drawn from them is strictly a matter for the decision of the Legislature, and of that body only.

Respectfully submitted.

SILAS WRIGHT, JR.

Dated Albany, January 22, 1831.





IN ASSEMBLY,

January 24, 1831.

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REPORT

Of the committee on canals and internal improvements, on the petition of Andrew P. Tillman.

Mr. Edmonds, from the committee on canals and internal improvements, to whom was referred the petition of Andrew P. Tillman, praying for a law empowering the Canal Board to review and determine his claim for extra services bestowed, and losses sustained, on the Cayuga and Seneca Canal,

REPORTED :

That in August, 1827, the petitioner contracted, among other things, to construct seven locks on the Cayuga and Seneca canal, for a stipulated price, and performed his work according to his agreement ; and he avers, that in the performance of that work, he sustained great and serious loss.

It appears to your committee, that the locks which the petitioner undertook to construct, were the first wooden locks attempted on our canals ; that the engineer employed by the State, formed a model for them, and made an estimate of their cost ; and that the petitioner's contract was based, in a great measure, upon that model and estimate.

After the work was commenced, it was found necessary to alter that model, and, in some instances, to change the location of the locks. Unforeseen difficulties were experienced by the contractor : in some places, from the hardness of the excavations ; in others, from the looseness of the soil, and from the water which flowed into the

lockpits, through crevices in the rocks, from which the excavations were made. These causes, together with unexpected freshets in the river, added so greatly to the labor and expense of the petitioner, that it soon became apparent to the engineer and the commissioner, that additional allowances ought to be made to him. Accordingly the engineer made an estimate of such extra allowance, and fixed it at the sum of \$6,685. That sum was allowed to the petitioner by the Canal Board, and received by him. This estimate was made before the work was completed. It was intended thereby to include all the extra labor and expense, and was necessarily in a great measure prospective. After the contract was entirely finished, it was found that the last estimate of the engineer was entirely too low, and he made another, in which he certified that the petitioner ought to receive a farther sum of 7 or 800 dollars. This sum the petitioner refused to receive, and averred that it was not sufficient to cover his labor and expenses; and your committee are satisfied that in this respect the petitioner is correct.

It appears from the papers laid before the committee, and which accompany this report, that the contract price for building the locks was below the sum allowed by the Board; and that this latter sum was so far below the fair value, that the State paid at least \$2500 less than what this part of the work was actually worth. And so with regard to the excavation of the lockpits. In consequence of the second estimate of the engineer, more than the contract price was allowed to the petitioner, yet not enough by nearly \$1300 to equal the fair value of this part of this work. And all this, your committee understand to be in some measure distinct from the increased labor and expense arising from the original erroneous estimate of the engineer, and the unforeseen difficulties of the work.

The subject of the petitioner's claim has been presented to preceding Legislatures, and has been by them referred and investigated. The Canal Commissioners have reported to this house, their opinion that the petitioner has sustained loss upon his contract, beyond the extra allowance made to him. The Canal Board have given the same opinion to this house. The certificate of the resident engineer, to the same effect, has been laid before your committee. The committee of this house, last year, strongly recommended the claim of the petitioner to the favorable consideration of the legislature, and entered at large into an examination of the merits of his application. Your committee have arrived at the same conclusion,

and are satisfied that the petitioner has a well grounded claim upon the justice of the legislature.

Your committee are not, however, willing to allow to him all of that part of his claim which is founded upon "the unfavorable terms of his contract." So far forth as that contract was founded upon his own estimates, his loss, if any, has arisen entirely through his own means, and he can in this respect, have no more claim upon the state to make good his loss, than the state would have had upon him to refund a part of the profits which might have resulted from "favorable terms of his contract." But it seems that the engineer once changed his model, and twice, at least, erred in his estimates. So far forth then as the petitioner's contract was based upon this model and these estimates, and so far as the petitioner has sustained injury from difficulties unforeseen by any of the parties, your committee think he is fairly entitled to relief. Your committee have accordingly prepared a bill conformable to these views, and have directed their chairman to ask leave to introduce the same.



**IN ASSEMBLY,**

**January 24, 1831.**

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**REPORT**

**Of the select committee on the petition of inhabitants of the city of New-York, in relation to retail auctions in said city.**

The select committee to whom was referred the petition of sundry inhabitants of the city of New-York, for a law to prevent frauds and abuses arising from sales at retail auctions in said city,

**REPORTED—**

The petitioners allege that the manner in which retail auctions are conducted in the city of New-York, tends to injure the fair and regular dealer—degrade the morals of the people, and defraud the State of its revenue. That it encourages the importation of articles from other states, composed of materials of an inferior quality—work of the most deceptive kind, and made expressly for sale at auction. That it injures the legitimate employment and business of the mechanic of the city; depresses trade, and reduces the value of real property: and that tricks are resorted to at these sales for the purpose of decoying bidders, which have become so notorious, as to satisfy every person who will examine the subject, that many of the auctioneers allow them to be constantly practised.

A remedy for these evils is prayed for; and the petitioners indulge in the hope that their request will be granted.

On examining the grounds for the application thus made, your committee were enabled to ascertain, that this subject has for several years been a source of complaint; and that those who have here-

tofore investigated it, confirm the representations here made by the petitioners.

In a communication made to the Legislature in pursuance of a resolution calling on the Comptroller for information relative to auctions and auctioneers, he says, "in consequence of repeated complaints made to me of the violation or abuse of the auction law in the city of New-York, I conceived it my duty to give the subject an examination; and I regret to say, the examination proves these complaints were but too well founded."

In a report of a select committee made to the Assembly last year, on a petition of about seven thousand inhabitants of the city of New-York, we find the following emphatic language :

"Your committee have had under consideration the several memorials referred to them, and fully agree with the petitioners, that the evil complained of is one of great and increasing magnitude, and calls loudly for legislative correction. That the mischiefs complained of, are not caused by that class of auctions from which the State derives a revenue, but by such as, by your laws are exempt from duty, or through fraud, evade its payment."

From every source of information to which this committee have been able to resort, it appears that the evil complained of does exist, and that our predecessors and others have been and are of opinion that a remedy is in the power of the legislature. The great difficulty which has heretofore existed, and the only reason why a remedy has not been applied, is to be found in the fact, that a remedy, such as the legislature were satisfied was proper, has not been offered. The committee flatter themselves, that they have removed this difficulty. The bill which is now offered to this house, will remedy the evil complained of—preserve the revenue unimpaired—the constitution from violation, and the rights of the citizen from encroachment. They ask leave to introduce the same.

**IN ASSEMBLY,**

**January 20, 1831.**

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**REPORT**

**Of the select committee on the subject of the abduction of William Morgan, in relation to the special circuit court for the county of Niagara.**

Mr. Otis, from the select committee on so much of the Governor's message as relates to the abduction of William Morgan, and to whom was referred the message of the Governor of the 18th of January instant, with the accompanying papers,

**REPORTED—**

That from an examination of the message and papers submitted to the committee, it appears that from an accidental misunderstanding between the special counsel and the circuit judge of the eighth circuit, the special circuit court directed to be held in the county of Niagara, by an act of the Legislature, passed April 17th, 1830, has ceased.

It also appears that there are several indictments in that county yet untried ; and that the objects of the law of the 17th of April last, cannot be accomplished without a renewal of the principal provisions of that act.

The committee have therefore directed their chairman to prepare a bill accordingly, and ask leave to introduce the same.





IN ASSEMBLY,

January 24, 1831.

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MEMORIAL

Of Lyman A. Spalding, relative to the surplus waters at Lockport.

*To the Legislature of the State of New-York, in Senate and Assembly convened.*

The memorial of Lyman A. Spalding, a citizen of this State, and an inhabitant of the town of Lockport and county of Niagara,

**RESPECTFULLY SHEWETH:**

That your memorialist has seen with surprise, that the Canal Commissioners of this state in the annual report made by them to the legislature on the 17th of the present month, have thought proper to arraign your memorialist not only before your respective houses, but before the people of this state, as having wantonly trespassed upon the public property and trampled upon the rights of his fellow-citizens. That complaints have been made of the proceedings of the Canal Commissioners, on the subject of the surplus waters at Lockport, is most true: that it was the determination of your memorialist to bring those complaints before the proper tribunals of the country, is equally true, and that such determination was known to the Canal Commissioners is more than probable. That such high and important officers of the government should have deemed it necessary to anticipate the regular course of inquiry, and by an ex parte statement in an official communication required by law to be made for very different purposes, pre-occupy if not prejudice the minds of those who were to pass upon their conduct, has indeed excited the surprise of your memorialist. And when he recollects the high standing of these officers, their individual responsibility and their official character, the almost boundless confidence which has so long

been bestowed upon them by the legislature, the immense patronage attached to their stations, and the crowd of personal and political friends whom they can rally in their support; your memorialist cannot but entertain the most serious apprehensions, that the merits of his hard case, will necessarily be obscured by the prepossessions which their report is calculated to produce. Although oppressed by the weight of these considerations, and deeply feeling the disadvantageous auspices under which he approaches the legislature, yet he has no other resource; and he humbly trusts that at least a patient attention will be yielded to a plain narration of the facts and circumstances, which have involved him in this unequal controversy, and which now threaten him with utter ruin. Self defence and the protection of the fruits of a life of toil and care, are his objects. He seeks the crimination of no one, and he trusts that even his sufferings will not wring from him complaints or censure.

In the year 1825, Darius Comstock was the owner of a tract of land, consisting of between six and seven acres, on the hill south-eastwardly of the double locks at Lockport. There was a natural stream of water which ran through this land, and fell over the precipice of about 80 feet created by the hill. It is the opinion of the oldest inhabitants of that region, that the water which descended this precipice, was at all times sufficient for two run of stones in a flouring mill, and in the spring and fall of the year, and in wet seasons, was sufficient for eight run of stone. This stream was entirely absorbed by the canal, and was taken into it above the locks. In the month of July, 1825, and before the canal was completed, (which it will be recollected was not until October of that year,) the Canal Commissioners advertised, for sealed proposals for the surplus waters that might be discharged at the locks. As the navigation of the canal had not commenced, and no experiments had been made to ascertain what quantity would be discharged, and as it was wholly uncertain whether the quantity would be uniform or fluctuating, although the latter was most probable, the value of the use of the water was entirely conjectural. Although Darius Comstock had been advised, that if the state or any individual thought proper to throw water upon his land, no power known to our laws, could give any other person the right of appropriating his land, for the purpose of using such water, or for any other private purposes; yet disposed to cultivate peace, he put in a proposal by which he offered to pay the state fifty dollars a year for the use of the surplus water. At the same time, Richard Kennedy, a merchant at Lockport, who did

not own a foot of land on which the water could possibly be brought, put in a proposal offering \$200 a year for the same water.

In the month of September, 1825, while these proposals were under the consideration of the Canal Commissioners, and three months before any decision was made on them, your memorialist purchased of Comstock the tract of land before described, for the price of \$5,500, and agreed to take upon himself to fulfil the proposal which Comstock had made. The value of the property at this time was entirely contingent, from the circumstances before mentioned. The general opinion was that your memorialist had made a bad bargain, and Comstock himself thought, that in no event could a supply of water for more than four run of stone be calculated on. Your memorialist believed, that when the commissioners became apprised of the circumstances, and of their inability to confer on any other purchaser than Comstock any right or privilege which would be worth purchasing, and when they should reflect on the consequences of a sale to any other, which would furnish ground for claims upon them or upon the state, they would not hesitate to prefer the offer of Comstock. And your memorialist further believed, that if the offer of any other was accepted, the purchaser would be wholly unable to avail himself of his bargain, without having previously procured from your memorialist a spot of ground to which he could conduct this water. The race which the commissioners had constructed, passed from the head of the locks and along the brow of the hill before mentioned about 350 feet, and then terminated, so that the water fell into the ravine below. The ground on which the race was made, as well as that over which the water fell, belonged to your memorialist, and while he admitted the authority of the government to take his property for public purposes, he was persuaded that no such authority existed to take it for the private purpose of any mill or other hydraulic works, which any individual might wish to erect. Your memorialist is gratified in finding this opinion sanctioned by the high authority of the Canal Commissioners in their report of the present month, in which they say that "the lessees took only the exclusive right of using the water," "and in case they had no land on which to erect hydraulic works, they took the risk of being able to purchase it, or of finding their recompence in selling their privilege to those who might possess or procure a location for mills or machinery." This opinion of your memorialist is also further sanctioned by the authority of the Comptroller and present Judge Marcy, as will appear by his letter, a copy of which is annexed. He

conceived therefore, that whether the commissioners accepted the offer of Comstock or not, he would be perfectly safe in erecting a mill on his own land at the spot where the water must pass after it was discharged from the locks, and in doing so he could not perceive how he could injure any benefit which Kennedy or any other person could acquire by purchasing the use of the water. For if they could not use the water, without having land on which to apply it, they could not be injured by your memorialist using it, so long as it was useless to them.

With these views and under these impressions, your memorialist in October, 1825, and more than two months before any lease was given by the commissioners, commenced preparations for erecting a flouring mill and a saw mill. He brought materials to the spot, engaged his workmen, set them to getting out the necessary timber, and dug for the foundation of his mill. He also dug a raceway in continuation of that which the commissioners had constructed, and extended it about 200 feet along the brow of the hill. He made a floom which was framed and planked along the whole distance of the race which he dug, and inserted it about 20 feet into the race dug by the commissioners. The bottom of the race constructed by them, had been washed out for a considerable distance, your memorialist filled it upon a level with that which he had dug. All these operations were carried on under the immediate observation of Wm. C. Bouck, the canal commissioner assigned to that portion of the canal, and of Alfred Barrett the engineer, who had charge of it at the time. Not a syllable of disapprobation was expressed by William C. Bouck, not a lisp escaped him to your memorialist, even of caution against a hazardous undertaking, but your memorialist had every reason to believe and did believe, and still most firmly believes, that Commissioner Bouck considered the subject in the same light which your memorialist did; that he had a full and perfect right to enjoy the fortuitous bounty of the water passing on his land, provided he did not impair its beneficial use by the state. The engineer directly and distinctly approved of the operations of your memorialist, and admitted that your memorialist had saved the state more than \$200 by continuing the race as he had done, and thus preventing the wearing away of the bank in the vicinity of the locks, which had already occurred to a great extent, and which threatened if not checked to undermine the locks themselves. He also paid your memorialist for filling up the bottom of the race constructed by the state, which your memorialist presumes was duly charged in the accounts of the engi-

neer and paid by the Commissioners. This is the transaction which the Commissioners in their report are pleased to denominate a "*trespass*." Your memorialist has been advised that if an individual had thus impliedly abandoned the appropriation of water which belonged to him, and had thus tacitly encouraged a heavy expenditure in order to use such water, he would never be permitted thereafter to controvert the right of so using it.

Your memorialist is much surprised at the assertion contained in the report, "that before any encroachments were made upon the public property by him, he was cautioned by Henry Seymour," one of the Commissioners, and told "that they would be obliged to turn the water from his mill, whenever required by the lessees." Your memorialist solemnly affirms that he never had any communication with Henry Seymour on the subject, until a year after the mill had been in full operation. And he is convinced that the Commissioners must be mistaken, at least as to *the time* of this supposed conversation, from the circumstance that the idea of turning the water from his mill, never was intimated in any of their proceedings, until October, 1829; and that to the contrary, the order made by them in February, 1829, a copy of which is hereunto annexed, shews that up to that time, they contemplated measures of a character entirely different. Nor can your memorialist possibly reconcile such an admonition, as is alleged to have been given, with the fact of the entire silence and implied approbation of William C. Bouck, the Commissioner who was specially charged with that portion of the canal, and the fact of the engineer's direct and unqualified approbation.

From the relation which has been given, it will be seen also, how unfounded is the charge contained in the report, that your memorialist "*diverted* a part of the water from the channel, which had been constructed for it by the state." Instead of diverting, your memorialist continued the water by a race-way, beyond the point where it was causing great damage, and from which it threatened incalculable mischief.

After all these transactions, and in January, 1826, the Canal Commissioners decided in favor of the proposal made by Richard Kennedy. Junius H. Hatch, of New-York, who never owned, to the knowledge or belief of your memorialist, an inch of land in the county of Niagara, had purchased of Kennedy one half, or some other portion of his interest, and the Commissioners executed a lease to Kennedy and Hatch jointly. Situated as he was, it was im-

possible for your memorialist to abandon the erection of his mills, for which he had made such extensive preparations. He could not believe that the lessees would be so inconsiderate as to pay any money on a contract so hopeless, but presumed that they calculated on coercing him to buy his peace, by giving them a bonus for their contract. Acting on the principles before stated, and which have been so entirely sanctioned by the Commissioners and Judge Marcy, he was disposed to treat the claims of these men, who had purchased water without any land on which to use it, as he would have treated the claim of an individual to the air which circulated in the atmosphere above him, as too preposterous for serious contest. And your memorialist was confirmed in this, by a conversation which he had with Commissioner Bouck, in the summer of 1826, in which he stated to your memorialist, that the water sold to the lessees, must be taken by them where it run, that the Commissioners did not feel themselves obligated to change the course of the water, or to enter into any controversy that might arise between the owners of the land and the purchasers of this water. Your memorialist feels the more confidence in the accuracy of his recollection of the substance of this conversation, from the circumstance, that in July, 1827, he communicated it in writing to the then Comptroller Marcy.

Your memorialist, therefore, continued the work he had begun, and finished his mill. He put it in operation, and provided for the farmers a mill, twenty-three miles nearer than any that had been erected, which could run constantly. The water that was discharged from the locks, flowed in irregular quantities, but generally there was more than was required for the purpose of his mill, he was willing that others should participate in the benefit, and therefore leased a piece of land on which to erect a building for a carding machine, and also a piece to erect a sash factory, with permission, so far as he could grant it, to take water when there was any, out of his race, but your memorialist never pretended to sell the right of using the water; and, on the contrary, the permission which he gave was distinctly declared to be subject to the right of the state, whatever it might be.

In 1827, your memorialist conveyed to Hathaway and Gooding, sufficient land on the brow of the hill before mentioned, to construct a race-way, in continuation of that made by your memorialist, and declared in the conveyance, that whatever use they should make of the water should be subject to the rights of the state; and the whole agreement was founded on the presumption, that the Canal Commis-

sioners would allow water to flow over the waste-weir at the locks, gratuitously, in sufficient quantities for the use of your memorialist and them.

It was by these acts, that your memorialist has subjected himself to the charge contained in the report of the Commissioners, that he "appropriated to himself land and water which had never belonged to him, the water having been brought from Lake Erie, and the land occupied by the race having been taken from Comstock, and appropriated by the laws of the state to the public use." This is the grave accusation upon which the Commissioners have arraigned your memorialist before your bar, and the bar of the people. With respect to the water, it is the opinion of the inhabitants of that region, who were well acquainted with the natural stream herein before mentioned, which flowed over the hill, that the quantity which it furnished was greater, a considerable portion of the year, than that which was discharged over the waste-weir at the locks, and applied to the mill of your memorialist. But, whether it was so or not, your memorialist has never been able to discover any principle of justice, modesty or equity, which should prevent his using water or any other element, which the bounty of Providence, or the generosity or convenience of man had cast upon his property, provided that in so doing he injured no others. That the public was not injured, and on the contrary, that it was benefitted by his operations, every one admits; and that the lessees were not, and could not be injured, has been already shewn by the circumstances before detailed, which demonstrate that they could make no use whatever of this water. Your memorialist not only owned the whole hill on the side where the water was discharged, but in order to secure and protect himself, he purchased also the opposite hill, for which he gave \$3,000, so that there was not a foot of ground in any direction, upon which the lessees, or any one to whom they should sell, could erect any works to which the surplus waters could be applied. The appropriation by your memorialist, therefore, could not injure them.

With respect to the *land* which the Commissioners charge your memorialist with having appropriated, he entertains great doubts whether the ground over which the race-way was constructed by the Commissioners, ever became the property of the state. He much doubts whether the mere act of throwing water from the canal through a waste-weir, upon land which runs sixty, or six hundred feet, or any other distance, thereby constitutes the channel thus formed any part of the canal. And he questions much, whether



the canal appraisers would think it their duty to compensate the owner for the fee of the land thus occupied by such a channel.— From the first law authorising the taking of land for the use of the canal, down to the last act on the subject, there has been one uniform provision, that a description of the premises appropriated should be entered in a book or books and certified by the appraisers, and the title to any premises is not vested in the state until that provision is complied with. Your memorialist does not conceive such an entry to be a mere formal proceeding; but, in as much as no deed or other instrument is required to be executed, he considers it the only memorial of a proceeding substituted for the verdict of a jury according to the common law, and the only evidence of the title of the state, equally necessary for its interests, and to secure the rights of individuals whose property is taken against subsequent indefinite claims.

No appraisal or determination in respect to the ground occupied by the race-way before mentioned, has ever been made by any appraisers, and of course no such determination has ever been entered and certified by them.

Your memorialist, therefore, with great deference to the judgment of the Canal Commissioners, but with great confidence, ventures upon the assertion, that the ground in question had not become a part of the public property. But if it had, he denies that he has in any manner appropriated it to the injury of the public; he has covered a part of it, and at the point where the water was discharged from it into the ravine below, he erected a mill, and continued the race about two hundred feet, for his own convenience, and the manifest advantage of the state. And this he did with the knowledge and acquiescence of the Canal Commissioner, whose peculiar duty it was to prevent any injury to the public works, and with the direct approbation of the engineer stationed at that point.

Your memorialist continued in the use and enjoyment of his mill, supplied as it was by water thrown away by the state from its waste-weir at the locks. The public works sustained no injury, the locks and the embankment around them were secured and preserved from the effects of this discharge of water from the race which had endangered them, the navigation of the canal was uninterrupted, and your memorialist had begun to indulge the hope that the leasees had themselves abandoned all expectations of making use of the water they had purchased. He was confirmed in this hope, by having

learnt that they had omitted to pay the stipulated rent for the first year, and were suffering the second year to draw to a close without making any payments, and thereby affording the Commissioners the opportunity provided by the contract, of declaring it void on non-payment of the rent for one year. But in July, 1827, your memorialist learnt that the lessees had petitioned the Canal Board to interfere in some way to protect the rights they supposed had been granted to them. Your memorialist, therefore, addressed a letter to the then Comptroller of the state, William L. Marcy, in which he recapitulated most of the important facts already set forth in this memorial—and endeavored to show that the lessees had no right to call on the Canal Board, and that any interposition of that Board would be unjust and inexpedient. He represented that the object for which the waste-weir and race-way were constructed, was to pass the water not used in the locks into the basin below, and that whether, in its passage to the basin, the water fell over rocks or over a water-wheel, was a matter in which they had no concern, provided its passage was not obstructed to the injury of the public works, or in such way as to deprive the lessees of any benefit they would have had, if no water-wheel had been placed in the fall; that the object of the lessees was to obtain, without an equivalent, a portion of the property of your memorialist, on which he had expended more than \$20,000, or to coerce him to pay them an extravagant bonus for their ideal speculation. Your memorialist distinctly proposed to submit the matter to the judgment of the Canal Board, and if they thought he ought to pay for the use of the water, that he was willing to enter into a stipulation on fair terms; and suggested, that if the supply of water from the waste-weir was rendered regular, so that calculations could be made on its continuance, he was perfectly willing to pay a fair equivalent for it. This proposition contained in a letter deposited among the canal papers, where it yet remains, and which your memorialist cannot suppose was unknown to the Commissioners, he presents as an answer to their charge, "that he refused to listen to any terms of accommodation."

To this letter of your memorialist the Comptroller, Marcy, returned an answer, dated August 7, 1827, a copy of which is annexed to this memorial. This is the only communication which your memorialist ever received from this officer on the subject, and a perusal of it will show how entirely mistaken the Canal Commissioners are in representing it as containing the opinion of the Canal Board, and intimating the steps which they should feel bound to take. It is a

private letter from the Comptroller, and shows on its face that the Canal Board had not been consulted on the subject; it does not purport to express the sentiments of the Board on any point whatever, and least of all does it, as the Commissioners suppose it did, communicate their opinion of "the necessity there would be of depriving your memorialist's mills of the use of the water, should he neglect to make some compromise or purchase of the lessees."

The letter of the Comptroller, it will be seen, expressly recognizes the rights of your memorialist, as he has always claimed them: he says—"it appears to be perfectly clear, that they cannot use an inch of your land without your consent," and that "your land is of little value without the water, and their water of no value without the land;" and he therefore advises a compromise. While your memorialist was duly sensible of the value of advice from such a quarter, he yet felt persuaded that he understood the particular circumstances of the case, and the motives and objects of the lessees better than any other person possibly could. He believed that the original object in taking the lease, by men who could not use the water themselves, or sell it to any other that could use it, except himself, was to speculate upon him: he saw nothing in the motive or the object so meritorious as to induce him to yield one jot or tittle of his admitted right to their cupidity; and indeed he felt himself called upon to make some sacrifices with a view to punish instead of rewarding conduct which appeared to him so exceptionable. They had purchased with their eyes open, they knew they had purchased nothing but a controversy with your memorialist, unless they could operate upon his fears, to extort a bonus. While, therefore, he had been and continued willing to abide by the decision of the Canal Board, or of any disinterested body, respecting the equivalent he should pay for the use of the water *to the state*, he could not consistently with a regard to his own rights and duties, treat with men whose object was to speculate upon him.

He was further influenced in this conclusion by the fact, that at the session of the Legislature which commenced in January, 1828, a law was passed authorising the Canal Board to cancel leases for the use of surplus water in cases situated like that of your memorialist. He saw in the act a return of the Legislature to what he had always deemed the correct view of the subject. For your memorialist had always supposed, and still believes, and therefore feels bound to submit to the consideration of those whom he addresses,

that while the state had a clear right under the constitution to take the land of your memorialist, and use it for the purpose of carrying off the surplus waters at the locks, that being beyond doubt a public purpose, yet that the right was co-extensive with the purpose, and that when the public purpose ceased, and the state assumed the character of a dealer in hydraulic works, that being a private purpose, was not considered within the constitutional authority to take private property. These considerations were presented in the Legislature, and in the public papers of the day, at the time the law referred to was passed, and your memorialist indulges the belief, that the same sound and enlarged views which had actuated the Legislature in passing the law would influence the Canal Board in its execution.

Under all these circumstances your memorialist declined entering into any treaty with the lessees. Matters remained in this condition until February, 1829, when the Canal Board passed a resolution on the application of Junius H. Hatch, a copy of which is hereto annexed. It granted the lessees authority to draw one half of the surplus water from the west side of the locks, and conduct it by a race in the rear of the towing path, and upon the express condition, among others, "that if it should become necessary for the lessees to enter upon lands not owned by them, they are to acquire their authority to do so, by contract or otherwise, but are not to derive or infer any such authority from this resolution."

In this resolution your memorialist again found an express recognition of his rights, and a language entirely different from that which the Canal Commissioners in their report suppose they directed the Comptroller to use to your memorialist, in 1827. Having no lands on which to conduct a race, as directed by the resolution, the lessees could not, and did not avail themselves of it. Such was the legislation of the Canal Board upon this subject, until the autumn of 1829, when a new era in the history of this business occurs. The former lessees seem to have abandoned all further attempts upon the fears or cupidity of your memorialist. But now new persons appear on the theatre of action, as stated in the report of the Canal Commissioners. Charles E. Dudley, a Senator in the Congress of the United States, Benjamin Knowler, president of the Mechanics' and Farmers' Bank, in the city of Albany, Thomas W. Olcott, cashier of that bank, Lot Clark, an attorney, then living in Chenango county, Henry Seymour, one of the Canal Commissioners, and others, to your memorialist unknown, became interested in an extensive purchase of land, and particularly in the purchase of a tract about three hun-

dred rods from the foot of the locks, and nearly a mile below the village of Lockport. The design of founding a village at this spot was announced, and measures for that purpose were adopted. But it was obvious that, possessing no advantages whatever for a village, the speculation could not succeed unless hydraulic power was obtained. The old lease to Kennedy & Hatch offered the opportunity of coercing your memorialist to allow of the construction of a race on his land, which should conduct the surplus waters of the locks to what was called the lower village. A part of the owners of the village, those named in the report of the Commissioners, purchased the largest portion of the interest of Kennedy & Hatch, in the lease for the surplus waters. Your memorialist has been informed by Henry Seymour, that Charles E. Dudley and the others, refused to purchase the property at the lower village, unless he, Henry Seymour, would become interested in it, which he assigned as the reason of his having become so interested. And although Henry Seymour is not directly interested in the lease, yet his individual interest in consequence of his joint ownership with the others of the village, is as great, if not greater, than that of those persons, if there are any who are interested in the lease and not in the village.

A new and very different system of legislation by the Canal Board now commenced. The cautious policy, which had prohibited encroachments upon the lands of others, seems no longer to have prevailed. The power given by law to cancel the lease was unexecuted, and the most rigorous measures were adopted. On the 22d March, 1880, a resolution of the Canal Board was adopted, a copy of which is hereto annexed, and to which your memorialist prays particular attention. It recites, among other things, that the works constructed by the state to discharge the surplus water from the locks into the lower basin, had been obstructed. The "obstructions" your memorialist affirms, consist in the continuation of the race by him, as herein before related, with the knowledge and acquiescence of Commissioner Bouck, and with the approbation of Engineer Barrett. And he declares, without the fear of contradiction, that the passage of the water in the race constructed by the state, has never been retarded so as to produce the least inconvenience. The resolution then recommends to the Commissioners, "to direct the whole or any portion of the surplus waters, to be discharged, as nearly as may be, in the manner the same were originally discharged, by means of said waste-weir and race-way." This resolution, if carried into effect, would have torn up the foundation

of the mill of your memorialist, and laid it in ruins, without promoting in the least a more rapid or beneficial discharge of the water, without benefitting the lessees, for they had no land on which they could conduct the water after its discharge, and without the least advantage to the state. A valuable hydraulic power would have been thrown away, and your memorialist would have been utterly ruined.

But from causes beyond the control of the Canal Commissioners, or of the Canal Board, the resolution was not carried into effect. Instead of it, the Canal Commissioners have resorted to another mode of wasting the water, and depriving your memorialist of its use. They have ordered the surplus waters to be discharged through the locks themselves, except a small quantity, which they allow to run over the waste-weir to supply a mill occupied by Edward Bissell, who purchased a part of the interest of Gooding & Hathaway, in the contract made by them with your memorialist, herein before stated, and who has purchased of the lessees some right to the use of the surplus water. The portion which is thus suffered to escape over the waste-weir, passes through the race constructed by the state, and through the continuation thereof, made by your memorialist. An execution of the resolutions of March, 1830, by discharging the water from the race of the state, where it was originally discharged, would prevent Bissell receiving a drop of the water. The resolutions have therefore been entirely disregarded. As the water thus sent to Bissell passes directly by the wheel of your memorialist, he applied it; for doing which, a bill was filed against him in the court of chancery, and he has been enjoined from diverting the water destined for Bissell's mill, although Gooding & Hathaway by their contract, under whom Bissell held, were not to take any water from the race until your memorialist was supplied. As this subject is now pending in the court of chancery, your memorialist abstains from further reference to it; and it has been introduced here for the purpose of giving an account of all the events connected with the matter, and of showing that it is a question depending on the private contract between your memorialist and Gooding & Hathaway. The residue of the water not destined for Bissell's mill, and consisting of three-fourths of the whole surplus water, is passed through the locks and wasted, while the mill of your memorialist stands idle.

Such is the present condition of this lamentable controversy. The state is suffering great damage in the locks, by the passage of such vast quantities of water, and particularly when ice, wood and other substances are carried through them. The navigation of the canal is impeded, and boats passing down the locks are greatly delayed in consequence of the locks not being ready for their reception, and the water susceptible of application to hydraulic purposes, to the benefit of an extensive region of country, is wantonly wasted.

Your memorialist regrets that he has been obliged to weary your patience by such a long recital, but in no other way could the merits or demerits of his case be understood. He is a heavy sufferer, and utter ruin seems before him, unless he complies with such terms as the interests of those who are desirous of speculating on his property, may induce them to offer. He cannot trust either their generosity or their justice. He prefers the tribunal created by the constitution of his country, the representatives of the people. He trusts that, uninfluenced by the attempts to prejudice his case, and unawed by the rank, power and influence of his antagonists, he will be heard; and that disregarding every consideration, but the principles of eternal justice, relief will be extended to him by the Legislature.

He prays that a law may be passed, directing the Canal Board to cancel the original lease to Kennedy & Hatch, on the ground stated in the act of 1828, inasmuch as neither they nor their sub-lessees can avail themselves of that lease. If the Legislature shall determine that it is consistent with justice, and with the sound policy of the state, to sell the right of using the surplus waters, and shall require from your memorialist compensation for the water that is thrown on his land, and which he may use, he will abide by the offer made to the Comptroller in July, 1827, and on being secured, a constant and regular supply, will pay to the state, and to the state only, such equivalent as a disinterested and competent Board shall judge fair and reasonable.

Your memorialist further prays, that an enquiry be instituted into the degree of interest which Henry Seymour has, directly or indirectly, in the lease of Kennedy & Hatch, or in any proceedings which may grow out of that lease, and if it appears to be such as your memorialist alleges, he humbly suggests that such interest is inconsistent with the impartial discharge of the duties of a Canal Commissioner, and in violation of the spirit of the law, which for-

bids a Commissioner to be interested in hydraulic works depending on the canal.

Finally, your memorialist commends his case to the favorable consideration of the Legislature, and anxiously awaits their decision, whether his little all, which has been acquired by years of toil and industry, shall be sacrificed to increase the wealth of a speculating company, or whether he shall be permitted to enjoy his own property in peace and security.

L. A. SPALDING.

ALBANY, ss.

Lyman A. Spalding being duly affirmed, says, that the facts set forth in the preceding memorial are true in substance.

LYMAN A. SPALDING.

Affirmed to before me this }  
25th January, 1831. }

R. J. HILTON, *Commissioner*.





## DOCUMENTS.

COMPTROLLER'S OFFICE, }  
Albany, 1 August, 1827. }

SIR—

Your letter of the 7th ult, has been received. It was not laid before the Board, because but one Canal Commissioner attended, and under such circumstances it was not deemed expedient to enter upon important business. I will only remark, that as to what you say as to your right to the land, is perfectly correct, and your own good sense will suggest to you that since the purchase of the water by Kennedy and Hatch, their right to the exclusive use of the water is as perfect as your's to the land.

It appears to be perfectly clear that they cannot use an inch of your land without your consent, and I submit to you, whether it is not as clear that you cannot use a drop of their water without their consent. If it was unwise in them to purchase the water without having secured any land on which they could use it, was it less unwise in you to let them buy the exclusive use of the water, which alone renders your land valuable. As I understand the case, your land is of little value without the water, and their water of no value without the land; therefore, unless you can compromise, you must both suffer. We are called upon by those who have purchased the water, to prevent your using their property. They urge, that if it had not been supposed, that the Board would have exercised this power, no person would have given a cent for the water power, and of course it would have become yours without paying any thing for it. Reflection must convince you that there are rights on both sides, and it is probable that they will be useless to both, without some agreement between the respective parties.

Yours, &c.

WM. L. MARCY.

LYMAN A. SPALDING, Esq.  
Lockport.

Albany, 19th February, 1827.

CANAL ROOM,  
Present, *Samuel Young*, Pres't. Pro Tem.  
*Wm. C. Bouck, Henry Seymour, Silas*  
*Wright, Jr. A. C. Flagg, A. Keyser.*

The petition of Junius H. Hatch, who was the purchaser of surplus waters at Lockport which have been enjoyed by the owners of the land, asking to have a race-way erected on the other side of the canal, where the petitioner has purchased land, and claiming to have one half of the surplus waters drawn on that side of the canal, the petitioner being joint owner of the waters, with one Kennedy, deceased, was presented and read.

[A. No. 55.]

**Resolved**, that the lessees of the surplus waters at Lockport, be and they are hereby permitted to draw any part, not to exceed the one half, of the surplus water from the level of the canal, above the locks at Lockport, on the west side of the canal, instead of the east side, where all the said water is now drawn: provided, the said water to be drawn from the said west side, shall be drawn through and over a stone erection laid in water lime mortar, and conducted in a race to the level below; said race to be entirely on the rear side of the towing path, between which and the towing path there shall be a stone wall erected, to be also laid in water lime mortar; said water to be discharged into the canal from said race, at such point and in such manner, as shall be directed and approved of by one of the acting Canal Commissioners.

This permission is granted on the further express condition, that every part of the work shall be done according to the directions of the Canal Commissioners, or one of them, and at the expense of the lessees; and upon the further condition, that if it shall become necessary for the lessees to enter upon lands not owned by them, they are to acquire their authority to do so by contract or otherwise, but are not to derive or infer any such authority from this resolution. And it is further resolved, that no portion of this work shall be done during the season when the canal is navigable at this place.

#### CANAL ROOM.

*Albany, 22d March, 1830.*

**PRESENT**—Samuel Young, William C. Bouck, Silas Wright, jr. Abraham Keyser, Greene C. Bronson, A. C. Flagg—

“The memorial of Lyman A. Spalding having been presented to this Board, complaining of a resolution of the Canal Commissioners adopted on the 14th day of October last, in relation to the surplus waters of the Erie canal at Lockport, and the manner of using and disposing of the same, and praying, among other things, that the lease of the said surplus waters may be annulled, and Mr. A. H. Tracy having been heard on behalf of the said memorialist, and Mr. B. F. Butler on behalf of the persons representing the original lessees of the said surplus waters; and it appearing to this Board that the said surplus waters were sold at public auction by the Canal Commissioners in July, 1825, and leased to Richard Kennedy and Junius H. Hatch, at the annual rent of \$200, which has been regularly paid to the state by the lessees and those claiming under them, and it further appearing to this Board, that the Canal Commissioners, in the original construction of the Erie canal at Lockport, made a waste-weir near the upper lock, and a race-way from the same a distance of one or two hundred feet, to the brow of the hill or mountain, for the purpose of discharging the said surplus waters into the basin on the lower level; which said works have since been obstructed, without any lawful right or authority, by the said Lyman A. Spalding—

Thereupon,

**Resolved**, That this Board approve of the said proceedings in the Canal Commissioners, in attempting to put the said surplus waters at

the disposal and under the control of the lessees and their assigns ; and that the prayer of the said memorialist be denied ; and that it be recommended to the Canal Commissioners or the acting Commissioner on that section of the canal, if he or they shall at any time deem it for the interest of the state or the advantage of the lessees or their assigns, so to do, to direct the whole or any portion of said surplus waters to be discharged as nearly as may be in the manner the same were originally discharged, by means of the said waste-weir and race-way ; provided, the same be done at the expense of the said lessees or their assigns, and under the direction of the acting Commissioner.



No. 56.

## IN ASSEMBLY,

January 20, 1831.

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### ANNUAL REPORT

**Of Nathaniel Wilson, Inspector of Beef and Pork  
for the county of Greene, for the year 1830.**

*To the Honorable the Legislature of the State of New-York.*

The subscriber, an inspector of beef and pork, has inspected during  
the year 1830, the following viz :

3,357	barrels	prime	beef.	
503	"	mess	"	
124	"	cargo	"	
53	half	barrels	mess	beef.
4	barrels	prime	pork.	
1	"	mess	"	
	Fees	on the	above,	..... \$603 80
	Expenses	or	charges,	.... 200 93
				<hr/>
	Nett	receipts,	.....	\$402 87

N. WILSON.

HON. GEORGE R. DAVIS,  
*Speaker of the House of Assembly.*

*Catskill, January 17, 1831.*

[A. No. 56.]



IN ASSEMBLY,

January 20, 1831.

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ANNUAL REPORT

Of James Radliff, Inspector of Staves and Heading  
for the city of Albany.

*To the Honorable the Legislature of the State of New-York.*

James Radliff, inspector-general of staves and heading in the city  
of Albany.

RESPECTFULLY REPORTS :

That he has inspected, during the year one thousand eight hundred and thirty, viz :—

Prime pipe staves, .....	434,351
“ hhd. “ .....	437,321
“ bbl. “ .....	342,291
“ hhd. heading, .....	18,271
Pipe cullings, .....	179,397
hhd “ .....	214,267
bbl. “ .....	228,361
hhd. heading cullings, .....	7,602

Fees of the inspector-general on the whole, at 10 cents per thousand, amounts to one hundred and eight-five dollars and forty-four cents. All of which is respectfully submitted.

JAMES RADLIFF.

*Inspector-General.*

*Dated Albany, January 6, 1831.*



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No. 58.

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## IN ASSEMBLY,

January 20, 1831.

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### REPORT

**Of the select committee on the petition of Thomas Bristow and Lydia his wife, and William R. Bristow.**

Mr. Cargill, from the select committee, to whom was referred the petition of Thomas Bristow and Lydia his wife, and William R. Bristow, praying for the passage of a law vesting in them the right and interest of the state in and to a certain lot of land in the village of Brooklyn, county of Kings, and in and to a certain tract of land situate in the town of Western, and county of Oneida, of 150½ acres,

#### REPORTED—

That they have had the same under consideration, and in which said petitioners state, that William Vernon, late of the city of New-York, deceased, was a naturalized citizen of the United States, and died seised of a certain lot of land, situate in the village of Brooklyn, on Long-Island, at the north-west corner of High and Adams-streets, being about sixty-eight feet eleven inches on the easterly and westerly sides, and about sixty-five feet and eleven inches on the northerly and southerly sides; and also of a certain tract of land situate in the town of Western and county of Oneida, formerly belonging to Robert Brown, known as lot No. 4, containing 150½ acres, or thereabouts: That at the time of the decease of said William Vernon, he had no heirs who were capable of holding lands within this state, they being incapacitated by reason of alienage: That said William Vernon repeatedly expressed his wish that his property should, after his wife's death, go to said Lydia Bristow, a sister of said Wm. Vernon: That said William Vernon, on the 20th April, 1812, made his will, giving all his estate, real and personal, to his wife, Eliza-

beth Vernon, who was an alien : That the said Elizabeth Vernon continued in the possession of the premises until her death, her said husband having died about January 1817 : That said Elizabeth Vernon, on the 19th May last, made a certain power of attorney, whereby she empowered Richard Pennell, of the city of New-York, physician, to sell said premises and pay the proceeds thereof to said William R. Bristow : That said Elizabeth Vernon died in June last, before said Richard Pennell had done any act under said power, and that he has declined acting under said power, by reason of the alienage of the said Elizabeth Vernon : That the said William R. Bristow is a naturalized citizen of the United States, and that said Thomas Bristow and Lydia Bristow, wife of said Thomas, have duly declared their intentions of becoming such citizens, which they did in September last, and closing said petition with a request that an act may be passed granting and releasing to the said Lydia Bristow, or to said William R. Bristow, all the right and interest which the people of this state may have acquired in said premises, by reason of the alienage of the heirs at law of said William Vernon, or of the said Elizabeth Vernon and her heirs.

The committee are fully satisfied as to the truth of the facts so set forth in said petition, and are of opinion that the prayer of the petitioners ought to be granted, and have therefore prepared a bill and directed their chairman to ask leave to introduce the same.

**IN ASSEMBLY,**

**January 25, 1831.**

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**REPORT**

**Of the Bank Commissioners.**

**TO THE HONOURABLE THE LEGISLATURE OF THE  
STATE OF NEW-YORK.**

The Bank Commissioners, pursuant to the requirement of the  
“ Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes,”

**RESPECTFULLY REPORT :**

That during the past year, they have performed the duties imposed upon them by law, in relation to the visitation and examination of the affairs of the several banking institutions subject to such visitation, and have received from the officers of those institutions, every desirable facility in the execution of those duties.

The promptness and cheerfulness with which those facilities have been uniformly afforded, have been highly gratifying to us, as it is now to make the acknowledgment due for them.

Our practice at these examinations has been to take a general statement of the affairs of the bank, verified by the oath of its officers, and by a further particular examination of the books, papers, money, &c. to satisfy ourselves of the accuracy of such statements.

As the solvency of a bank employing its capital in loans and discounts, always depends upon the safety of its debts, these have been the subject of frequent and particular examination. And although it cannot be expected that we should know the standing of most of

the persons with whose names we meet, yet few large amounts are found against individuals of whom we have not some knowledge or information.

Of the general character of the debts, we judge from their magnitude—from their character as business or accommodation paper—from the number and distribution of indorsers—from the time they have been standing or continued by renewals—from the business or other connection of the parties with the principal officers or managers of the bank—and from the relation between the bank and those having the management of its concerns, as affording more or less security for a vigilant and faithful administration.

These and other circumstances, which will appear upon examination, with the information of the officers upon oath, and with what limited knowledge or information we may happen to possess of the pecuniary situation of individuals increasing as it will be by these examinations and other means, we apprehend will enable us ordinarily to form an opinion of the general character of the debts of the institutions subject to our visitations, sufficiently accurate to protect the fund, as well as the public, against losses arising from that source.

Banks in the country, having their capital actually paid in, it is believed, will very rarely have a sufficiency of paper which can be affected by a sudden commercial embarrassment or individual misfortune, to such an extent as to jeopardize their eventual solvency, although temporary embarrassment may often result from such causes.

But a series of such losses—consequent sacrifices to sustain credit—and a continuance of dividends to cover embarrassments and prevent a depreciation of their stocks in the market, are the more probable causes of failure. Against these, however, under the present law, we think there will be no great difficulty in guarding.

The prohibition against making dividends while the capital is impaired to any extent, is admirably calculated to prevent a lingering disease of this description, and personal examinations are perhaps the only mode of enforcing the prohibition. It is valuable also to the stockholders as affording them the assurance that while dividends are continued, their capital is entire, and that they are not receiving back their principal under the name of profits,

Since the first of February last, all the new banks which were incorporated at the two last sessions of the legislature, except those in the city of New-York, and one in the county of Washington, have gone into operation under favorable auspices. Their aggregate capital amounts to \$2,150,000, which has been paid in, agreeably to law. Before certifying to that fact and suffering them to commence operations, we have adopted the mode of satisfying ourselves by actual examination, in addition to the affidavits of the officers ; and in cases which seemed to require it, have extended our inquiries so as to ascertain from what sources, and under what circumstances, the more considerable amounts of capital have been obtained.

It is believed that in every instance the conditions of the charter have been complied with, and that the nominal has also been a real increase of permanent bank capital.

There are now in operation, in the state, besides the three branches of the United States Bank, forty-nine banks. Their aggregate capital, as will be seen by the statement hereto annexed, amounts to \$21,323,460. Twenty-nine of these institutions (and those first named on the list) two of which have branches, are subject to the inspection of the commissioners. Their aggregate capital on the first of January, was \$6,294,600.

We report them all to be in a safe condition, and all of them have contributed to the bank fund the amount required by law.\*

It seems to be the policy of the law under which we act, to have our examinations and the information acquired by them of a strictly confidential character, and we have not felt ourselves at liberty to contravene that policy even in cases where the communication of a fact relating to an institution would assist our investigations, or lead to desirable information.

With reference to the spirit of the law in this particular, we have had some doubt as to determining what particulars it would be our duty to communicate to the Legislature under that provision, which requires us to give such abstracts from the reports made to us as we might deem useful. The reports made to us on the first instant, would enable us to give the situation of the institutions with much accuracy and particularity ; but we have not thought that the infor-

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\* The Greenwich Bank in New-York has also gone into operation, but quite lately. It is not included in the above enumeration, nor in any of our statements.

mation would be particularly useful to the Legislature, and its publicity might be the cause of affecting the comparative reputation of some injuriously. At least it would seem to be giving an advantage to those which are not required to report. We have therefore given an aggregate statement of the banks required to report to us, and a statement of the circulation, and some other particulars of each one.

In the execution of our duties we have found but one institution whose operations we have thought it our duty to interfere with, by an application to the court of chancery. In that instance the effect of the restraint was to produce a material change in its affairs; upon completing which, it was permitted by the court to resume business, and is now believed to be in a safe condition.

The funds which all the institutions find it necessary to keep for the redemption of their notes, form a very considerable item in the statement of their affairs, and are often placed in a situation, of the security of which the commissioners have not the means of forming a satisfactory opinion.

The city of New-York being the great exchange for the monetary as well as mercantile operations of the country, both of which invariably flow in the same channel, it is there that the reservoir is kept upon which most of the banks draw for the redemption of their notes as the exigencies of business require. Others draw upon funds in the banks at Albany, who in their turn meet such calls by drafts upon New-York. So that in fact, although a system of exchange is constantly going on between the different banks, in the country, it is only for the purpose of ascertaining nett balances which are paid by drafts.

And the notes of the different banks may therefore be said to be redeemed thus indirectly in the city of New-York. And the difference between this indirect redemption and a direct one by an application of the funds provided for that purpose in the city, before the notes are sent home, causes the trifling depreciation of country paper in that market.

Drafts upon New-York being equivalent to the specie there, this mode of redemption is preferred by the banks to a direct redemption in the city, because it gives their notes a more extended circulation; and by the bill holder to a redemption in specie at the counter, because it saves him the expense of transportation. The sys-

tem of exchange is thus kept up between city and country, (as it is said to be between different parts of the Union,) at less expense than the cost of transporting specie.

The competition for these deposits in New-York between some of the banks and individual bankers, has induced offers of moderate rates of interest to the country banks for their funds while undrawn, and many of them have very considerable deposits upon those terms with individuals, whose extensive and multifarious business renders their general reputation for solvency and wealth, a very uncertain test.

Upon general principles, as interest includes a premium for the risque as well as compensation for the use of money, we should expect that those would pay the highest rate in whose hands it was least secure. And the danger to be apprehended is, that the depositors may be tempted by the rate of interest, to lose sight of that unquestionable safety which to the public is certainly more important

We have no reason to suppose that any of the institutions are in danger of losses of this description, or that they have supposed themselves incurring any hazard in this respect. But we fear more danger from this source than any other, for they rely upon a credit of the solidity of which they have no adequate means of judging; a credit too which is the reliance of other banks, both in and out of the State, and of individuals, for amounts of which they can know nothing except the probability of their being immense.

Ordinarily however, no single institution will be exposed to a loss of this character, of sufficient magnitude to endanger the public fund. No instance of that kind has yet occurred to us, although some have been noticed where a loss would have occasioned a winding up of the institution.

The following statement will shew the amount due to the banks subject to our inspection, from the banks and bankers in the city of New-York, at the times therein mentioned.

1830, April 1.	1830, July 1.	1830, Oct. 1.	1831, Jan. 1.
1,242,157	860,226	1,710,960,	2,597,690

These are nett balances after deducting all balances on the other side of the account, and their average will probably shew about the average amount of funds in New-York belonging to those banks.



The law of the last session prohibiting the circulation of small notes of the banks of other states has had a most favorable effect upon the state of the currency. Public opinion seems to have co-operated in carrying it into execution ; and it is believed that but very few notes of that description are now held in circulation in the interior of the state. Their place has been supplied with those of our own institutions, of the genuine character of which, almost every citizen is capable of judging.

The extent to which this law may have operated towards increasing the circulation of our own banks, can only be conjectural, but is believed to have been very considerable.

For the purpose of shewing the increase of circulation occasioned as well by that cause as the operation of the new banks which have commenced business the last year, we have compiled the following table, shewing the aggregate amount of bank notes in circulation at different periods.

It comprises all the banks subject to our visitation. The Lansingburgh, Rochester, Commercial and Dutchess County banks, with whose statements we have been obligingly furnished, and estimates of the Middle District and Columbia banks, until they stopped payment, thus giving the entire circulation of all the banks in the state north of the city of New-York, except the Orange County, and the two branches of the United States Bank.

1829, January 1,.....	\$4,408,056
“ July 1, .....	3,785,473
1830, January 1,.....	3,874,345
“ April 1,.....	4,549,123
“ July 1, .....	4,464,597
“ October 1, .....	5,720,979
1831, January 1,.....	6,762,541

The capital of these banks was

On the 1st Jan. 1830, .....	\$4,346,600
On the 1st Jan. 1831, .....	6,916,600

The following calculation will give the best estimate we are able to make of the entire amount of bank notes in circulation of the banks in this State, excluding the branches of the United States Bank :

Amount January 1, 1881, brought down, ..	\$6,762,541
Deduct packages known to have been sent for redemption, and in transitu on the 1st January, .....	300,000
	<hr/> \$6,462,541
Add estimate for Orange County Bank,.....	100,000
Add for New-York banks, estimated at.....	3,835,000
	<hr/> \$10,397,541

Annexed to this report will be found an aggregate statement of the local banks of several of the neighboring states, taken from their last returns. From these and the statements and estimates of our own banks, the following table is compiled for the purpose of giving a comparative view of the bank notes in circulation in those states. The actual circulation among the community, however, will be less by the amount of bank notes on hand by those banks, after deducting the amount of bank notes of other states and of the United States, possessed by the banks, and in circulation in those states.

Comparative view of Bank Notes in circulation in several States.

	Population.	Bank Capital.	Bank Notes in Circulation.	Specie.	Circulation to population.	Circulation to specie.	Capital to circulation.	Specie to population.
Rhode-Island, .....	97,000	6,065,200	929,490	365,734	9.58	2.54	6.52	3.77
Connecticut, .....	297,000	4,379,820	1,671,174	* 400,000	5.62	4.17	2.62	1.34
Massachusetts, .....	610,000	19,295,000	5,124,090	1,258,444	8.40	4.07	3.76	2.06
Pennsylvania, .....	1,300,000	12,815,581	7,870,609	3,013,369	6.05	2.61	1.63	2.32
New-York, .....	1,934,000	21,323,460	10,397,541	.....	5.37	....	2.05	....

\* Estimated. Specie and notes of other banks reported together.

The amount of currency in a country is always in proportion to its wealth and business; and in this country, what may properly be considered currency, may be said to consist of specie, bank notes, and deposits in banks transferable by means of checks.

The amount of deposits reported by the banks in the adjoining States, appears to consist of so many items of a different character, some of which do not fall within that class of deposits fairly denominated currency, that they furnish very imperfect data for calculation, and are therefore omitted in the table.

It will be seen that the circulation of bank notes in these States bears a nearer proportion to their population than to the amount of bank capital; and that population, therefore, as regards them, is a better test of their wealth and business.

The proportion of circulation consisting of deposits, must be greater in this State than in either of those mentioned, in consequence of the immense business of that kind in the city of New-York; and probably if these were brought into the estimate, the proportional circulation of these five States would compare very nearly with our general ideas of their wealth and commercial character.

The common operations of banking, are, receiving deposits for safe keeping—loaning the floating balance of such deposits—borrowing large sums at a reduced rate of interest, and lending in small ones at the ordinary rate—paying interest upon deposits, and employing the average balance in productive investments—loaning capital upon real estate, accommodation or business paper—purchasing and selling bills of exchange—circulating bank paper as currency, upon the credit either of a portion of capital reserved for redeeming it, or upon the floating balances of deposits.

These are all separate and distinct operations; and the business of banking is elsewhere frequently confined to one or a few of them. But here most of them are generally combined, and frequently all are carried on by a single institution.

Hence it is that many of the theoretical notions upon banking are wholly inapplicable to the existing state of our banks.

One supposes that their aggregate expansibility or elasticity depends upon the aggregate amount of capital. Another, upon the amount of specie in their vaults. Another supposes that an accu-

mulation of *bank* capital increases to an equal extent the *cash* capital of the country ; and another, that every increased issue of bank notes necessarily causes a proportionate depreciation of money, or rise in marketable commodities.

But none of these propositions are true of our banks, however accurate some of them might be when applied to banks pursuing only one or other of the different operations above mentioned.

A bank whose operations were confined to the discounting of business paper, (by which is meant notes received or drafts given for property sold and to be paid at maturity, an operation which requires very little capital,) might extend itself very nearly in proportion to the amount of its capital, making just allowances for fluctuations in business ; but if a considerable proportion of its capital were loaned upon long credits, or upon accommodation paper or otherwise in a situation not to be commanded at short periods, the case would be entirely different. Such loans for business purposes may be fairly considered very nearly in the light of a reduction of so much capital.

So also the amount of specie on hand furnishes a very unsafe criterion ; for the demand for it depends not upon the quantity of bank paper in circulation, (if the circulation is confined to its legitimate channels,) but upon the exigencies of trade ; and a sudden revulsion may render an amount entirely insufficient, which in ordinary times would be an ample fund.

It is true, however, that when the channels of circulation become swollen, the fact is invariably indicated by a consequent demand for specie ; but other causes produce the same effect.

Specie, however, although the ultimate, is not the only, means of redemption, or of resisting a pressure. The direction of the pressure, and the course of trade, must be considered ; and the means growing out of the latter must be brought into account. For instance, in a commercial community situated as this State is, where the operations of business centre in a single city, if a pressure comes from that quarter, as most generally it will, it is obvious that funds there, to the country banks, answer all the purposes of specie at home ; so that their ability is not dependent solely upon the quantity of specie on hand.

The same principle will apply to the city banks, which, by the operations of commerce, find it convenient to accumulate or procure credits in Europe or elsewhere.

The adjoining States are somewhat differently situated as regards their commercial operations, having no acknowledged centre of business for the whole State, and the operations of trade therefore not furnishing equal facilities to the country banks for accumulating credits at a point where credits are equivalent to specie.

We should expect, therefore, that their banks would find it necessary to keep larger supplies of specie than would be necessary for the country banks here ; and such is the fact.

In Pennsylvania, for instance, the banks shew an amount of specie about equal to one half their circulation, deducting bank notes on hand. But the following estimate will shew the comparative means of resisting a pressure, between them and the twenty-nine banks in this State whose statements we have :

The Pennsylvania banks are liable to drafts for,

Circulation, .....	\$5,870,609
Dividends, .....	310,613
Due other banks, .....	2,215,912
Deposits, .....	7,234,739
	<hr/>
	\$15,631,873

Their available means are,

Public stocks, .....	\$1,046,578
Due from banks, .....	2,772,835
Notes of other banks, .....	1,861,347
Specie, .....	3,013,369
	<hr/>
	8,694,129
	<hr/>
	\$6,937,744

or 37 per cent of discounted notes.

The twenty-nine New-York banks,

Circulation, .....	\$5,870,935
Dividends, .....	39,841
State deposits, .....	129,763
Banks N. Y. ....	115,459
Other banks, .....	1,394,025
Deposits, .....	1,608,095
	<hr/>

Carried forward,..... \$9,158,118

Brought forward,.....	\$9,158,118
Specie, .....	\$445,383
Notes of banks, .....	1,028,831
Cash items, .....	169,497
Banks N. Y.....	1,863,896
Other banks, .....	1,246,447
Bankers N. Y.....	1,049,323
	<hr/> 5,601,577
	<hr/> \$3,556,741

or 31 per cent of discounted notes.

The pressure, therefore, upon the debtors of the banks, after their available means should be exhausted, would be 37 per cent in Pennsylvania, and 31 per cent here. It is presumed that the difference would be still greater, if the New-York city banks were brought into the calculation.

The practical operation of increasing bank capital is here rather a concentration of than an addition to the cash capital of the country. Many individual sources to which borrowers resorted, become discontinued, and the capital upon which they drew is concentrated in a bank to which they now have to resort.

It will be seen that but \$891,964 of the capital of the banks subject to our visitation, (whose aggregate capital amounts to \$6,394,600,) is owned by persons residing out of the State, and a very small proportion of that is owned out of the United States. Of the \$2,150,000 of new bank capital paid in, during the last year, only \$181,420 is owned by non-residents of the State.

The amount drawn from other productive employments, exclusive of individual loans, cannot be otherwise than entirely conjectural, but is believed to be inconsiderable.

Somewhat connected with the erroneous opinion that an accumulation of *bank* increases to the same extent the *cash* capital of the country, is another idea that an increase of bank capital increases proportionably the productive capital of the country. There can be no doubt that the substitution of bank paper for a specie currency, has increased the productive capital of the country to the same extent precisely that bank paper has occupied the place which would otherwise have been filled with specie; because we have been enabled to export that amount of specie, being a commodity having in-

trinsic value, and substitute in its place mere paper which has none. And the amount of saving to the United States, by way of interest, upon this capital, has lately been estimated at \$4,000,000.

Although it is not denied that an increase of bank capital generally increases to some extent the amount of bank notes in circulation, yet it by no means follows that every additional paper dollar thus put in circulation, displaces one of specie; for much of the additional circulation caused by multiplying banks, is thrown into use, to answer purposes for which specie would not have been resorted to, but which would otherwise have been accomplished by barter or credit.

It is therefore only the amount of specie necessary to carry on the business of the country, which can be said to be displaced by the substitution of paper; and that amount may be much less than the quantity of paper actually used on account of the greater facilities afforded by the latter. Hence an estimate of the amount of specie currency displaced, would seem to be overrated if founded on the actual circulation of paper and specie, when the former constituted the principal amount, much more so if founded upon the basis of capital.

The proposition that every additional issue of bank notes causes a proportional depreciation of money in the market, both specie and paper, and a consequent rise in the price of commodities, is one which has been often advanced, and which has lately received the sanction of very high authority, in a report to the House of Representatives.

It is said that after the expiration of the charter of the first bank of the United States, a large number of local banks sprung up, which, being free from the controul which the United States Bank had exercised over the local institutions, commenced a system of excessive issues which involved the country in all the evils of a disordered currency. The state of things in 1816, is put forward as an illustration; and it is urged, that in consequence of the suspension of specie payments during that and the preceding year, the quantity of bank paper issued had about doubled the entire circulating medium, and that the nominal price of every article was of course one hundred per cent. higher than it would have been, but for the duplication of the quantity of circulating medium. And this consequence is said to result simply from a redundancy of quantity, not-



withstanding the bank notes should be of undoubted credit, and convertible into specie at the pleasure of the holder.

The circulating medium of the United States in 1816, is said to have been one hundred and ten millions, which was reduced to forty-five millions in 1819; and has since been increased to about fifty-five millions. From whence the consequence is deduced that "a specie dollar, in 1816, would purchase no more than half as much as a paper dollar will purchase at present."

These are important propositions; they have been widely and industriously circulated; and as every thing relating to the currency is interesting to all, are certainly entitled to serious consideration. It may not be amiss therefore, and we hope to be pardoned for making some few suggestions which occur to us in regard to them.

In the first place the statistical facts relied upon, require a correction, which is found in a later and more detailed statement, compiled principally from actual returns, and reported to be from the pen of a most distinguished individual.

This statement, which will be found in a review of the report alluded to, in the American Quarterly Review for December 1830, estimates the entire circulation of bank notes in the United States, on the

1 January, 1815, at ...	\$44,700,000
1 January, 1816, at ....	66,500,000
1 January, 1820, at ....	43,780,000
1 January, 1830, at ....	64,380,000

The reviewer, alluding to the report referred to, quotes it as affirming that the value of *irredeemable* paper is altogether regulated by its amount, and does not depend upon the prospect of ultimate redemption.

This position he entirely refutes, both by argument and reference to facts of the most convincing character, derived from the actual prices current of American continental paper—Bank of England paper during the suspension of specie payments, and bank paper of this country under the same circumstances.

But the extent of the proposition, as affirming that the depreciation results entirely from the quantity issued, notwithstanding the bank paper may be convertible into specie at pleasure, seems entirely to have escaped his observation.

Is it true then, that every additional issue of bank notes convertible into specie, causes a proportionate depreciation of money, or what is the same thing, a rise in the nominal value of commodities?

Were the high prices of 1816 attributable to this cause?

Would the controul of the United States Bank have prevented the excessive issues of bank paper at that time?

It will be seen that the first proposition involves an entirely different question as regards the nominal value of property, from that which might arise, if by the extraordinary productiveness of the mines, or from any other cause, the quantity of the precious metals were to be suddenly and materially increased.

It is not necessary to controvert the proposition that the value of *money* is depreciated in proportion to the increase of its quantity, in any given state of the demand for it. But the question is, what is money? By the common consent of the civilized world, the precious metals have become the only measure of value. They have an intrinsic value, equal to the labor required to produce them, and an exchangeable value depending upon that quantity of labor and the demand for the product. Hence the increased facilities of procuring the article, and an increase of quantity in a given state of demand, must cause a depreciation in value throughout the globe.

But the effect of an issue of bank notes, is entirely different.—They have little or no intrinsic value, and are not acknowledged by the world as the measure of value. Their depreciation, therefore, would not affect the nominal prices of property in another country, nor is it supposed that the quantity issued would cause any material depreciation in value, as long as their credit was undoubted, and rested upon the fact of their convertibility into coin at pleasure.

It cannot be denied that prices rise as money depreciates. Suppose then an issue of bank notes as in 1816, but convertible into specie at the pleasure of the holders. It will not be pretended that these bank notes are any better than blank paper to purchase merchandize of the manufacturer in Europe. His prices therefore are fixed independently of any excessive issue of them—and fixed by that standard which the world acknowledges as the measure of value. The purchaser therefore converts his bank paper into coin, exports it to Europe, and purchases and imports his merchandize. He pays, as we have seen, in specie, the value of which in Europe,

cannot be affected by the quantity of bank paper in circulation in this country. Now will a dealer here pay in bank notes, twice the cost of that merchandize, when he can convert his bank notes into specie and go through the same process of importation himself?

If not, then it is not true that the price is raised or the money depreciated, in proportion to the issue of bank paper.

The proposition also assumes that under the circumstances supposed, the produce of this country would be nominally doubled in value. But the cotton or the flour would be worth no more in Europe, because there are other sources of supply. It would be preposterous therefore to suppose that a shipper would pay a two dollar bank note for a bushel of wheat to ship to Europe, when the price there was but *one*; if instead of doing it he could convert his bank note into specie and ship two dollars in coin.

Again, suppose, as was formerly the case in the western part of this State, that the produce of the country was chiefly purchased by the country dealers, upon sufficient credit to enable them to get it to market and realize the proceeds, (for credit, in some form or other, is the principal lever of business operations,) it is obvious that much less of what we term circulating medium would be employed, than is used in the present mode of purchasing with cash. In the former case, the property would go to market, and perhaps be converted into merchandize; the purchaser's notes would go into the hands of the agriculturist, and circulate until they should get into the hands of a debtor of the drawer, or be exchanged for merchandizes; and the whole transaction frequently be closed without the payment of a dollar in cash.

In the latter case, the purchaser of produce passes his note to a bank, in exchange for bank notes; pays in bank notes for the produce—the agriculturist pays his laborers, his mechanics, his merchants, &c. in bank notes, which find their way to market in some of the commercial towns; while in the mean time the purchaser of the produce, by a sale of it in the same market, is enabled to deposit the proceeds there to the credit of the bank, which pays his debt, and enables the bank to redeem its bills by drawing upon the deposit.

During the whole of this operation, the bank notes have been in circulation; and thus we see that the same business operation may

require a large or small amount of circulating medium, according to the manner in which it is conducted. In one instance it is done by a transfer of individual credit; in the other, by the transfer of bank credit.

The same amount of this description of business, as now conducted, requires the use of vastly more bank paper, than it did before the late war; and yet it never was supposed to be the occasion of any depreciation in the currency, or rise in the nominal value of produce.

Our purchasers have supposed the prices in the country to be regulated by the prices in New-York, and the prices there, by those in other parts of the world; and have never dreamed of paying higher prices, because they were paying in bank paper, which was current as money.

The error seems to lie in considering bank notes as money. They may be considered the representative of money, so far as the specie has been displaced by them, and lies in the vaults of the banks, because to that extent they will command what is money every where. And as long as sufficient of that can be commanded to answer the exigencies of commerce, with those who do not consider our bank paper such, it seems to us to be difficult to sustain the proposition that the value of money depends entirely upon the quantity of currency in circulation.

An imprudent issue of bank paper to individuals, to be used, not in satisfying the legitimate demands of business, but in encouraging a course of wild speculation or indiscreet overtrading; a ruinous extravagance of expenditure, or otherwise, where the borrowers will be unable to meet the fulfilment of their obligations—may indeed, to some extent, be said to affect prices, by producing an unnatural and excessive competition. But when the convertibility of bank notes into specie is rigidly enforced, the pulsation of business is felt; both the bank and the borrower soon find it to be a bad operation, causing embarrassment to the former, and loss or ruin to the latter; and the evil is checked before it becomes extensive or essentially injurious.

The rigid requirement of specie payments will always be found an infallible, as it is the only, corrective of a redundant issue of bank paper; for whenever the issue exceeds what the channels of business will absorb, the return of the excess is sure and speedy, and other

resources than those which are afforded by the ordinary current of business must be applied to its extinguishment.

It should not be forgotten, however, that the accumulation of bank capital to an extent beyond the requirements of business, affords strong temptations to this species of over issues. And the instances are not rare, where individuals, at times when the banks have found it difficult to keep up their discounts for business purposes, or have been tempted to increase them beyond the requirements of business, have been tempted to borrow imprudently without being able to calculate upon the means of repayment, perhaps to embellish a farm—to erect buildings—or enlarge a mercantile capital.

For a time the borrower reposes in security ; but when the imperious demands of business require the use of the capital thus invested, a new loan, and a sacrifice to procure an extension of credit, are the consequences ; and so on from time to time repeatedly, until the observer who lately saw the outward appearance of thrift and prosperity, now discovers a significant placard by the way side : “ This farm for sale.”

It is true that banks being out of the question, the same effect is produced when unemployed capital accumulates in the hands of individuals, in consequence of a depression of business ; but the facilities afforded to the incautious borrower are less, as the surplus capital of individuals is not susceptible of augmentation by the power of issuing a circulation beyond its amount.

But these are minor considerations as regards the proposition under consideration, and giving them their due weight, and allowing them all the influence upon prices which may be produced by an increased artificial competition, we still think they fall very far short of having a decisive weight in proving that the value of money depends upon, or is essentially affected by, the issues of bank paper, as long as that paper is convertible into specie.

It certainly is not proved by the prices of 1816, which are adduced as the illustration.

It may be admitted to the fullest extent, that the prices of commodities were enhanced at that period, by the excessive issues of bank paper, and yet the proposition is not established, for the bank notes of that time were not redeemed in specie. Specie payment had been

suspended by all the banks in the Union, except New-England, in the autumn of 1814, and were not resumed until the spring of 1817.

It is not intended to be denied, for all experience testifies, that paper of any description, which is put into circulation as currency, always must depreciate unless easily convertible into specie, no matter how ample may be the security for its ultimate redemption. Neither the arm nor the credit of government itself, can sustain it as currency. A melancholy proof of this in our own country, during the late war, must be still fresh in the recollection of all.

The humiliating fact remains upon record in the history of the times, that the treasury notes of the government, negotiable by delivery and bearing an interest, were exchanged at a discount for the bank paper of private corporations, not convertible into specie.

Yet the proposition is untrue that currency of this description is depreciated in proportion to the quantity issued. The prospect of ultimate redemption, and the proximity of that event, are all important in ascertaining and regulating the scale of depreciation. To the latter consideration chiefly must be ascribed the apparent anomaly above alluded to. The community had confidence in the ultimate solvency both of the government and the banks; but the opinion was probably entertained that the banks would resume specie payments sooner than the government.

If it be true then that excessive issues of bank notes do not essentially depreciate the whole currency, as long as such notes are redeemable in specie with facility, it would seem to follow that the actual depreciation of *irredeemable* paper, at any given time, may be measured by the premium which specie bears when exchanged for such paper.\*

To what cause then were the high prices of 1816 attributable? Although it is granted that in some degree they were influenced by the excessive issues of bank paper, not however in any considerable degree, because such issues were excessive, but because the paper was not convertible into specie, we think it may be affirmed that the principal causes were entirely unconnected with the state of the currency.

\* That premium in New-York, during the first six months of 1816, averaged 11.6 per cent. and during the last six months of the same year 8.88 per cent. Those averages therefore may be said to be the actual depreciation in New-York in consequence of the suspension of specie payments. The premium upon specie in some of the other commercial cities, was somewhat higher; but in Boston, where the banks paid specie, it was merely nominal.

In whatever relates to the currency, as well as many other important subjects, the history of the times immediately succeeding the late war is full of interest. But to apply it properly we should connect it with that during the war, as well as antecedent and subsequent.

For a long time previous to the war, the ordinary channels of intercourse with other nations had been obstructed by the belligerent state of Europe, and by our own countervailing restrictive system, the tendency of which were to enhance the prices of foreign commodities, by the danger and difficulty of procuring of them, until a state of open war put an end to nearly all supplies, except such as found their way by an illicit trade. The prices of foreign articles immediately took an extravagant rise, and continued to appreciate, while the demand for our own productions, stimulated by the wants of an army, and the withdrawal of laborers from their accustomed employments, nearly kept pace.

These and similar causes always incident to a state of war, and peculiarly operative in a country almost wholly dependent as this then was upon the workshops of other nations for manufactures, are sufficient to account for the extraordinary prices which were found to exist during the year 1814. The war too had excited the speculating enterprise of individuals, and called it into action, and the community gradually became reconciled to prices with which under other circumstances their judgments would have been shocked.

But when the peace of 1815 was concluded it produced a great comparative reduction of prices, but by no means a minimum, because the demand was unprecedented. The reduction created demand and the demand prevented a greater reduction. Overtrading was the consequence of not duly appreciating the temporary nature of the demand for consumption, and was induced by a succession of reductions in prices, as the manufacturers in Europe were compelled by competition at home to submit to them.

The operation of causes like these would tend to keep up prices for a length of time before the demand and supply should become so regulated as to reduce them to a minimum. If we add to this the fact that the double duties upon merchandize were continued until July, 1816, and then only partially reduced, we can be at no great loss to account for the actual prices current of merchandize in 1816,

without much reference to the amount of circulating medium at that time.

The unsettled state of the agricultural interest also, at the period alluded to, and the peculiar unkindness of the seasons, were causes of appreciation in the prices of produce.

We have been proceeding upon the assumption that the prices of 1816 were excessive; they were so perhaps compared with the present, but they were less than those of 1815, and on the decline. How then does a reference to that period when prices were declining, and the circulation redundant, illustrate the proposition that prices are raised in proportion to the quantity of circulation?

But again, if the proposition is true, we must admit that prices will be least when the circulation is lowest; but the estimates quoted above show that the currency in 1815 was less than 45 millions, while in 1816 it had risen to rising sixty-six: and yet prices were decidedly higher in 1815 than in the following year.

It must also be admitted, that so far as the quantity of currency affects the price of commodities, all articles must be proportionably affected.

We entertain no doubt that an examination of the actual prices current at the times alluded to, will show conclusively that the prices of 1816 were on a rapid decline, notwithstanding the redundancy of the currency, and that different articles were by no means proportionably affected.

We have neither the time nor statistical facts necessary for such an examination, but the annexed table giving the prices of a few leading articles believed to be nearly correct, will give something of an idea of the result of such an examination.

	1814.	1815.	1816.
Iron,.....	\$150,00 per ton.	\$130,00 per ton.	\$100,00 per ton.
Tea,.....	2,00 per lb.	1,60 per lb.	1,00 per lb.
Sugar, .....	20,00 per cwt.	20,00 per cwt.	14,00 per cwt.
Rum, .....	2,00 per gal.	1,69 per gal.	1,06 per gal.
Molasses,....	1,00 do	90 do	50 do

For the reasons above mentioned, we think it unfair to charge the prices of 1816 entirely to the account of excessive issues of bank paper, believing that other causes ought in justice to bear much the



greatest proportion of the charge. There can certainly be but little accuracy in the assertions that prices were appreciated in consequence of over issues of paper to such an extent as to render two dollars then, of no more value than one at present.

If this conclusion is correct, it will follow that the severe pressure which was felt through the whole country in 1819, is not justly attributable as it has been said to be, to the resumption of specie payments by the banks in 1817.

A return to specie payments is undoubtedly always attended by a pressure upon the community, but that pressure may be measured by the extent to which the issues were excessive during the suspension, and if other causes than a redundancy of paper, contributed to raise prices, they are fairly chargeable with their share of the depreciation when prices fall and losses and embarrassment ensue.

Besides, as the effect of the curtailment and pressure necessary to enable the banks to resume specie payments, the distress in 1819 would seem to have lingered too far behind the cause.

When it is not only claimed that the existence of a national bank would have prevented the excessive issues of the local institutions at the period above mentioned, but also that the state banks never would have resumed the payment of specie but for the coercion of the present United States bank, and that such an institution is necessary for the purpose of enforcing this most important of all banking principles, justice to our own institutions as well as to the character of the state would seem to require some examination of the reasons upon which so bold a proposition is advocated.

The argument rests upon the assumption that the United States bank did compel the local banks to resume specie payments, and that they could have been compelled by no other means; because as it was obviously their interest to keep up as large a circulation as possible in order to ensure large dividends, they could not have been induced to co-operate *voluntarily* in the restoration of the currency, and they would not have been compelled by the state legislatures, *first*, because the tendency of a depreciated currency to attract importations by lessening the actual amount of duties paid to the government and to lighten the burthens of federal taxation, would have rendered it the interest of the states not to do so; and *secondly*, because as the banks were directly or indirectly the creditors of almost the whole community, their control over public opinion would

have been such as to have prevented legislative action in a case where a severe pressure upon the community would have been the necessary consequence: or in other words, that our legislative bodies would not have been found sufficiently independent to have required of the banks the fulfilment of the principal condition of their charters, however much the public interest may have required the firmness.

It is neither our business nor our purpose to comment upon the character of an argument of this description, either as it concerns the official guardians of the public interest, or the gentlemen concerned in our banking institutions. But the history of legislation in this state most certainly shows that sufficient independence and firmness, have always been found here to control and restrict the operations of banking as far as the interests of the community and the stability and value of the currency were deemed to require.

And during the suspension of payments alluded to, more than one law was enacted by our legislature for the purpose of facilitating compulsory proceedings against them by abolishing the quaint and dilatory practice which had theretofore embarrassed such proceedings.

It so happens that the present Bank of the United States went into operation at about the time when the local banks resumed specie payments, and thence, we apprehend, the conclusion is jumped at, that such payments were compelled by the operations of the United States Bank. Indeed, it has been asserted, that such payments would not have been suspended if such an institution had been in operation at that time.

Among the admitted causes of that suspension are enumerated the blockade of nearly the whole maritime frontier, the capture of Washington, the threatened invasion of Baltimore and New-York, the long continued and heavy drafts for specie from the eastern states for purposes not now necessary to be mentioned, and the exhaustion of the banks in the middle states, produced by the loan from those states to the government of nearly thirty-eight out of about forty-one millions of dollars, and the payment of about the same proportion, of the eleven millions of treasury notes and temporary loans of the government then in existence, and by the re-payment of about seven millions of the capital of the old United States Bank,

belonging to foreigners, and the necessary extension of their loans to take up the paper of individuals in that bank.

The sufficiency of these causes may be matter of much more deliberate and grave reflection now than it probably was at that agitated and gloomy period of our history. And the suggestion may not *now* be thought unkind, that a national bank, at that portentous crisis, could still have *compelled* the payment of specie by the local institutions, thus crippled by their exertions to sustain the government, while their vaults were full of the depreciated notes of its treasury and their resources cut off by the utter prostration of its credit.

Such a suggestion *then*, however, was not heard; but had it been, its reception may be conjectured from the unexampled forbearance with which a patriotic community then submitted to the deprivation. The strongest evidence of the necessity of the measure is the fact, that the whole community forbore, while it was in the power of any individual of moderate fortune to have seriously injured, if not ruined, almost any of the institutions.

But the situation of the country had then become such that the necessity of sacrifices was generally felt, and not until that period were the community at large prepared to meet it.

Then it was that the *nation* may be said to have entered into the war, and the force of public opinion, in a supposed case of necessity, not only disarmed the law of its penalties, but actually kept the irredeemable paper of the banks at par with specie for more than six months after the suspension.

If we have stated the true causes of the suspension of specie payments in the autumn of 1814, it is difficult to perceive how a national bank, if one had then been in operation, could have averted the catastrophe.

The extraordinary causes which had produced the crisis, must have been felt by a national bank equally with the local ones.

Indeed, it is more than probable that such an institution, if it had been able to sustain its solvency, would have become so weakened by its exertions to sustain the sinking credit of the government, and by the sacrifices consequent upon the transfer of such vast amounts from one part of the country to another, as were required to carry on the war, as to have been the first to have felt the

necessity of suspending specie payments. The Bank of England has often done so for similar reasons.

It has been said, however, that a national bank "would have put the treasury department on its guard," and that "both acting in concert would certainly have been able at least to retard the event"!

It may be so. But when the bankers of Philadelphia were transporting their specie to Lancaster for security, when the heads of the departments were fleeing from the conflagration of the capitol, when the shattered credit of the government was bartered at the exchanges at from 10 to 15 per cent below par, and aided by the pledge of individual responsibility, to procure the means of offering double bounties for enlistments, we should be apt to question the efficiency of such concert.

The fact that the local banks resumed specie payment at about the time when the United States Bank went into operation, 1817, neither proves that the resumption is due to that cause, nor that they were in a fit situation to have done it before.

It will be recollected that the peace took place within a few months after the suspension of specie payments, and we have before alluded to the fact, and suggested some of the causes of the demand for foreign merchandize which immediately followed that event—To have resumed specie payments upon the conclusion of peace, the banks would not only have had to struggle under the same embarrassments which caused the suspension, and from which the few latter months of the war were by no means calculated to relieve them, but also to encounter that new demand for specie to export created by the demand for the China trade and for merchandize from Europe; and this, too, at a time when, according to a statistical account in the article before quoted, the specie in the vaults of the eastern banks amounted to \$8,200,000, while that in those of all the others in the Union only amounted to \$8,800,000. Most of the forty-five millions of paper then in circulation, was in that of the middle states, and an attempt at that time to redeem it in specie would most probably have converted embarrassment into irretrievable ruin.

It was therefore thought necessary to bespeak the patience of the public until the establishment of regularity in commercial operations, until the war debts of the government could be partially liquidated, and in short until all could in some measure recover from the ex-

haustion consequent upon the slackening of exertions and the relaxation of markets which had theretofore been held at their utmost tension.

It is not shewn that the local banks could with safety have resumed the payment of specie sooner than they actually did, but it is alleged that they made no effort to do it until about the time when the present Bank of the United States went into operation, in the early part of 1817.

Then it is conceded that payments were resumed under an arrangement for that purpose made between that institution and several of the local banks, and until it can be shewn that the local institutions might have resumed payment earlier, or in what manner they were *compelled* by the United States Bank, the inference may be doubted that they were so compelled.

The merit may as well be claimed for an individual banker, who is known to have instituted legal proceedings to compel the resumption of specie payments.

It is true, however, that the national bank did render essential aid towards restoring payments. It could not well have gone into operation as a specie paying institution, while all the other banks by which it was surrounded, had their vaults closed, and so far as that bank may claim the merit of rendering its assistance, and probably of accelerating the event, it would undoubtedly be conceded.

The assistance rendered by means of a loan in Europe, and the importation of several millions of specie, would seem to show, however, that before that time, the banks were not in a situation to have resumed their payments.

But what are the means of coercion possessed by the United States Bank, giving the assurance of its past, and promise of its future usefulness, which are not in the power of others?

It is said to operate by receiving the notes of the local banks, and insisting upon their redemption. The banks in New-York formerly did, and the brokers in Wall-street now do, precisely the same thing; and such also of necessity is the practice among all the country banks; for while some redeem promptly, they must necessarily insist upon prompt payment by others.

The same legal means of coercion, in case of refusal, and the same remedy by discrediting the paper of delinquents, are alike open to the Bank of the United States, to the local banks, and to the whole community.

We may rest assured that the jealousy and rivalry which will always be found to exist among banks, will furnish a sufficient guaranty for the enforcement of this cardinal principle of banking, and that if the laws furnish the means of compelling specie payments, no one, much less the whole, will be suffered to deviate from it, unless in a case of urgent necessity.

And notwithstanding the uncomplimentary suggestions that legislatures may be found so subservient to the banks, or so influenced by motives of interest, to suffer the evils of a degraded currency, for the purpose of lessening their actual payments of duties and taxes to the general government, as to refuse to provide those means, we must yet be permitted to entertain the belief that prompt and adequate remedies will always be found provided by law, especially in those sections of the country which have any pretensions to a commercial character.

The provisions of our laws would seem to be abundantly sufficient. In addition to the penalty of heavy interest during the suspension, (the only penalty in the charter of the United States Bank,) the offense subjects the institution to a forfeiture of its charter. It is made the duty of the commissioners to enforce the forfeiture, and the remedy is simple and expeditious.

So far then as the enforcement of specie payments (the true corrective) can operate to restrain excessive issues of paper, we apprehend the restraint must be felt under our banking system. Besides this, the limitation by law of the amount of circulation to twice the amount of capital—the more efficient limitation of the amount of loans and discounts to twice and an half the amount of capital, and the frequent examinations to be made by the commissioners, interpose additional and important restraints.

It is said in the report to which we have so often alluded, that “a promise to pay specie at a place remote from the place of circulation, and where the bills would never come but at a great expense, and for the sole purpose of being presented for payment, would neither give credit to the notes, nor operate as an effective check upon ex-

cessive issues;" that "human wisdom has never devised any adequate security against the excessive issues, and consequently the depreciation of bank paper, but its actual and easy and prompt convertibility into specie at the pleasure of the holder;" and that "whatever, therefore, in a system of bank circulation, prevents the reflux of redundant issues, necessarily destroys the only adequate security against these injurious and ruinous excesses."

We quote these observations with entire approbation; and respectfully submit whether the currency is more in danger of being depreciated by excessive issues from the institutions under our restrictive system, than from the gigantic institution which assumes to control and keep within bounds the entire mass of local banks?

That institution is already asserting its dominion in almost every section of the country; its branches are issuing a circulating medium in the form of small checks, payable at places remote from that of their issue and circulation; and these checks are believed to form the greater part of the circulation of the branches in the interior of this State.

Its notes, too, enjoying a more extensive credit, in consequence of the assumed national character of the bank, and of their being receivable for duties and public lands in any part of the Union, without regard to the place of payment, are consequently held in circulation at much greater distances from the place of redemption, than the notes of the local banks possibly can be.

These circumstances operate to prevent that healthful reflux which indicates a redundant issue—tend to destroy the "only adequate security against injurious and ruinous excesses," and point to the means which might be used, under improper management, to inundate the country with irredeemable paper, or paper convertible into specie only at remote places and at great expense. The injurious effect is the same in either case, differing only in degree.

It would probably be within the power of that institution, by still further multiplying its branches, and by issues of notes or checks in one part of the Union payable in another, to sustain a circulation equal to the whole estimated currency of the United States; a large proportion of which would, at any given period or place of pressure, be practically irredeemable.

The fact that it may have been prudently and discreetly managed in this respect thus far, furnishes no certain pledge that such will always be the character of its administration. However safely it may be trusted to redeem its paper *any where* when such redemption is practicable, by reason of its interest to keep up the credit and circulation of its paper, yet it must be remembered that it is only in times of distress and difficulty that such redemptions are particularly valuable. And the impracticability of providing means at every office to meet the paper issued at others, as the demands of business may require, has long been conceded.

The power of filling up almost the entire circulation of the country with paper in any sense or to any extent irredeemable, and consequently subject to depreciation, is one of the most serious import; and it will be fortunate indeed if it shall long be exercised, and motives of interest not lead to its abuse.

The guarantee possessed by the public that its notes shall be redeemed in specie, consists in that provision of the charter which imposes as a penalty for refusal, the liability to pay interest at twelve per cent !

Such provisions were found utterly inadequate in the case of the local banks ; and it would require no great stretch of imagination to conjecture that the time may come when the employment of capital in the sale of exchange would be found a lucrative business, even at the hazard of paying extraordinary interest upon that proportion of the circulation which might be presented for redemption.

The most stable guarantee, after all, will be found in the character of those to whom the management of its concerns may be committed.

The banking system of this state adopted by the Legislature of 1829, looks rather to the eventual security of the public against losses, than to the prevention of temporary embarrassments occasioned by the vicissitudes of commerce.

We entertain the confident belief, that it will be found adequate to the accomplishment of the former object, and contribute essentially towards diminishing the evils incident to times of general embarrassment and distrust.



Most, if not all, the bank failures which have occurred in this State, as well as the neighboring ones, are attributable to causes against which this system interposes its guards.

The security held out by means of a capital, the exhaustion of which must precede any loss by the public, has been found to be deceptive in consequence of a secret arrangement by which stock notes of individuals have been received or substituted for capital. And it was a common thing to put a bank in operation upon a small part of its capital being paid in, thereby enabling it to discount to stockholders for the purpose of furnishing the means of paying further calls.

The capital of the institution was thus furnished by means of its own credit, and men of little or no responsibility were enabled by these facilities to become stockholders to large amounts, and in fact to controul institutions in which they had little or no real interest.

It is impossible that such deceptions should be practised under the present law, which requires the entire capital to be paid in, and an examination into that fact by the commissioners before commencing operations. And it will be equally impossible afterwards to substitute stock notes for capital, without their knowledge.

The purchase of banks for purposes of plunder, will be difficult of accomplishment, without those facilities afforded by some other institution, by means of large loans, hypothecation of stocks, or other devices, which will be constantly exposed to the observation of the commissioners.

Formerly the means of making such purchases were procured by an hypothecation of the very stocks to be purchased, and the nominal purchaser possessed the right of voting upon the stocks, which in reality belonged to the person furnishing the means; and the controul of an institution thus acquired, secured such a disposition of its funds as might suit the purposes of fraudulent managers.

The provision of the present law which prohibits a stockholder from voting upon pledged stock, destroys the object of such devices.

Large loans to favorite individuals upon doubtful or no security, have also been found to have been the cause of failures. These will be easily detected by the commissioners in the course of their

frequent examinations ; and if the certainty of detection does not effectually prevent such operations, the cases will seldom be found incurable if taken in season.

Instances have occurred where owing to losses of this character, an entire capital has been sunk, and yet the bank continued doing business, and making dividends. The real stockholders were the first to suffer, and the public security vanished with the squandered capital.

Under the present system it is made the duty of the commissioners to wind up an institution which has lost half its capital.

Another, and perhaps as important a feature as any in the system, is that which secures a right to, and makes it the interest of, one institution to operate as a check upon another through the commissioners.

A bank failure has never yet occurred in this State without some other institutions being forewarned of its approach, by means of their intercourse with each other ; but the difficulty has been a want of means to prevent it, and a want of interest in doing so.

By the present law, suspicious facts may be confidentially communicated to the commissioners, which it is their duty to investigate and act upon ; and they may be required to do so at the call of any three institutions.

Our experience has already enabled us to appreciate the value of these means of information ; and we endeavour to encourage their extension, by a strict adherence to their confidential character.

Bank failures in the ordinary course of business, we think are rendered quite improbable if not impossible ; and although they may be produced by gross and sudden frauds, against which the prohibitions of law, and the scrutiny of the most vigilant officers would furnish no protection, yet it is to be hoped that such instances, should they ever occur, will be so rare that the fund raised by the tax upon banks for that purpose, will at all times furnish an ample indemnity to the public.

In times of commercial embarrassment it will be the interest of the institutions to sustain each other, and no doubt can therefore be entertained of their disposition to do so as far as their own circumstances

ots will permit, and as the situation of the weaker ones will render it safe to assist them.

But there may be times when the elasticity of a part, or perhaps the whole collectively, might be insufficient to meet a severe pressure occasioned by some extensive and extraordinary derangement of the commercial concerns of the country.

The effect of such a crisis would depend entirely upon the source and extent of the pressure, and although these might and would generally be traced, they are not always to be foreseen in season to avert the calamity.

A failure of the wheat crop for instance, which ordinarily produces to the country perhaps two millions of dollars, would deprive the country of that amount in the statement of its account with the city. A portion of this deficiency will have been realized by credits obtained in anticipation, another portion will be requisite to supply the necessary wants of the country, and thus the notes of the country banks will accumulate in the city, while the anticipated means of redemption are cut off. So far as their funds in New-York and specie at home would go, they have the means of resisting the pressure; but these are calculated only for an ordinary demand, and circumstances have now produced an extraordinary one. They must therefore depend, after exhausting their ordinary means upon such assistance as their debtors might be able to afford, and upon obtaining a temporary credit at the place where credit is wanted to equalize the balance.

It is not specie that is indispensable to meet such a pressure, but credit in New-York, the course of trade being there and the debt due there: and it is obvious that such credit might be obtained, (the eventual security being unimpaired and unquestionable,) provided the extent of it should be within the elasticity of the money market: or in other words, provided the city could give the credit and meet its own engagements.

The country banks therefore, in the case supposed, would be enabled to sustain themselves by these means under a pressure, against which their own resources must have yielded.

Instances of this description not unfrequently occur upon a small scale, where a single institution finds itself under the necessity of making a temporary loan to counterbalance some unexpected disap-

pointment. And the same principle is applicable to the pecuniary concerns of an individual ; a single bank ; to the banks of a particular section of country, and to the banking interest collectively : a slight cause deranges the pecuniary affairs of an individual ; a more serious one, those of a bank ; and a still more extensive one, those of a number or the whole.

Suppose a cause of more universal pressure—as a revulsion in trade directly affecting the whole country—an overtrading with other nations, such as distinguished the period succeeding the late war, and a consequent accumulation of balances beyond the ordinary means of payment by exportation. The deficiency must be supplied and the equilibrium restored either by the exportation of specie, or by obtaining a credit in Europe which will answer the purpose of specie. If no timely provision for such a credit were made the consequence would be a demand for specie to export to the place where payment was required. A pressure of this description is first and most severely felt by the city banks, but rapidly extends itself through the whole monetary interest of the country. The specie is drawn from the vaults of the different banks and collected for exportation ; the stocks of the government are purchased and remitted, and when these are exhausted, and such other means of remittance as can be commanded for the purpose, if a deficiency still remains, a suspension of payment must ensue.

Such a state of things necessarily begets a distrust of banking institutions as well as individuals, and the evil is increased by a general *panic*, which, however much it may be mitigated by the assurance of the eventual solvency of the banks or security of the public, is not to be entirely averted by the present system, and perhaps by no other within the power of legislation.

It arises from the operation of commercial principles, and it is the peculiar business of a banker to keep his observation constantly fixed upon the operations of trade, and by a prudent and timely forecast, to endeavor to provide funds or credit, wherever its exigencies may require balances to be paid.

Still, however, the causes alluded to, produce only a temporary embarrassment, and the public in the mean time have every guaranty that the debts of the banks will be ultimately paid.

The commercial character of this country and of this state pre-eminently, must ever render it subject to those revulsions which affect a currency composed, as ours is, principally of paper.

But we have now become to such a degree independent of other nations for our supplies of manufactured articles, that the pressures which we may anticipate, may be expected to be, rather for credit to sustain individuals at home, than for money to pay our national balances abroad.

At present, at all events, there would seem to be a sufficiency of coin to relieve any just apprehensions of the effects which may result from the fluctuations of trade.

In a late report made to the Senate of the United States, it is estimated that there is

In the banks, .....	\$15,000,000
In circulation, .....	8,000,000

The reviewer above quoted, estimates that on the 1st of January, 1830, there was

In the banks, .....	\$22,094,000
In circulation, .....	10,000,000

We incline to the opinion that both these estimates are now too low.

The report of the banks in Pennsylvania and Massachusetts, shew an accumulation in their vaults of \$1,324,000 during the last year, and the amount held by the United States Bank, has accumulated during the same period, \$4,184,000. It now possesses near eleven and an half millions.

The rapid diminution of the stocks of the government, which have always furnished a convenient means of obtaining credit in Europe, will probably tend to render a larger amount of specie necessary to be retained, to sustain the currency of the country, than heretofore has been found necessary. But on the other hand, the diminished demand for the Asiatic and other foreign trade—the restoration of quiet among the South American states—and the increased supply of gold from our own rich mineral region, (should an equalization of its standard to that of silver prevent its exportation) may be expected to produce a countervailing operation.

Giving due weight to all the just causes of apprehension for the safety of our banks, we still think they are not of a character which

should render us dissatisfied with the policy of adopting a currency essentially of paper.

And notwithstanding there may be causes of temporary embarrassment, arising from the operations of trade, against which our system may not be calculated effectually to guard, yet we may claim with fairness, that our banks are no more exposed to such embarrassments than others, and that in this respect our bank policy is as safe, while in other respects we claim for it more safety than has been found under any other system devised to suit our peculiar situation.

So far as the public is concerned, the principal objections to it have been, its supposed tendency to encourage excessive issues of paper, by giving it an undue credit, and the excessive multiplication of banks.

If it be true that excessive issues of bank paper do not essentially depreciate the currency so long as such paper is easily convertible into specie, and if it be true that our law is pre-eminently calculated to enforce such payments, there would seem to be no great weight in the first objection, nor any well founded ground of complaint that our currency should be in good credit. But if any further security is required against excessive issues of paper, it will be found to be most ample in those provisions which limit the loans and discounts of each institution to twice and an half, and the issues of paper to twice the amount of capital.

It will very rarely happen that the circulation of an institution can be raised to the amount authorised by law, while the loans and discounts are kept within it. Both these provisions are salutary in their operation upon individual institutions, although, looking at the aggregate statement of the banks, they would seem to be inoperative.

The other objection to the system has been, its supposed tendency towards the excessive multiplication of banks, in consequence of a reliance upon the fund, rather than the solidity and good management of the institutions themselves. Probably such is in some degree the tendency of that feeling of security which we are apt to indulge in a system that promises much, though not entire safety.

The business of banking has already progressed so far as to have become interwoven with all our business relations, and to have given

a permanent character to our currency. If it were desirable, therefore, it would be impossible, to effect an essential change of the leading features of our policy.

So far as the requirements of actual business demand, it will undoubtedly be reasonably safe to extend the facilities of banking; but it is equally true that the security upon which we rely may be overloaded; and we should deceive ourselves in supposing that the present, or any other system which can be established by law, would afford perfect security against every evil that might result from an excessive and improvident increase of bank capital.

C. STEBBINS,  
J. REES,  
G. R. DAVIS,  
*Bank Commissioners.*

*January 24, 1831.*

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NOTE.

In the table, page 8, the amount of specie held by the banks of this State, is not stated, in consequence of the amount in New-York being unknown. It has since been ascertained that, on the 31st December last,

The U. S. Branch Bank held,.....	\$3,400,000
The local banks, .....	2,908,000
Making in the city of New-York,.....	\$6,308,000

These data enable us to calculate that the amount of specie held by the banks of this State, on the 1st January inst. was \$3,435,000.

*Aggregate Statement of the Banks of several States.*

46 Banks.		RHODE-ISLAND.		October, 1890.
Debts of directors,.....	\$763,006	Capital,.....		\$6,065,200
“ other stockholders, .....	611,027	Circulation, .....		929,490
“ others,.....	5,647,590	Deposits, .....		946,159
Specie,.....	365,734	Debts, .....		118,036
Foreign bills, .....	187,764	Profits,.....		46,211
Deposits in banks, .....	329,050			
Stocks,.....	115,782			
Real and personal estate, .....	271,263			
	<u>\$8,291,216</u>			<u>\$8,105,096</u>

14 Banks.		CONNECTICUT.		March 1, 1890.
Debts,.....	\$5,171,294	Capital,.....		\$4,379,820
Real estate, .....	169,891	Circulation, .....		1,671,174
Stocks, .....	203,100	Deposits,.....		649,661
Deposits in banks,.....	542,453	Debts to banks,.....		156,869
Specie and notes of other banks,.....	853,482	Profit and loss, .....		180,854
Other items, .....	98,159			
	<u>\$7,038,378</u>			<u>\$7,038,378</u>





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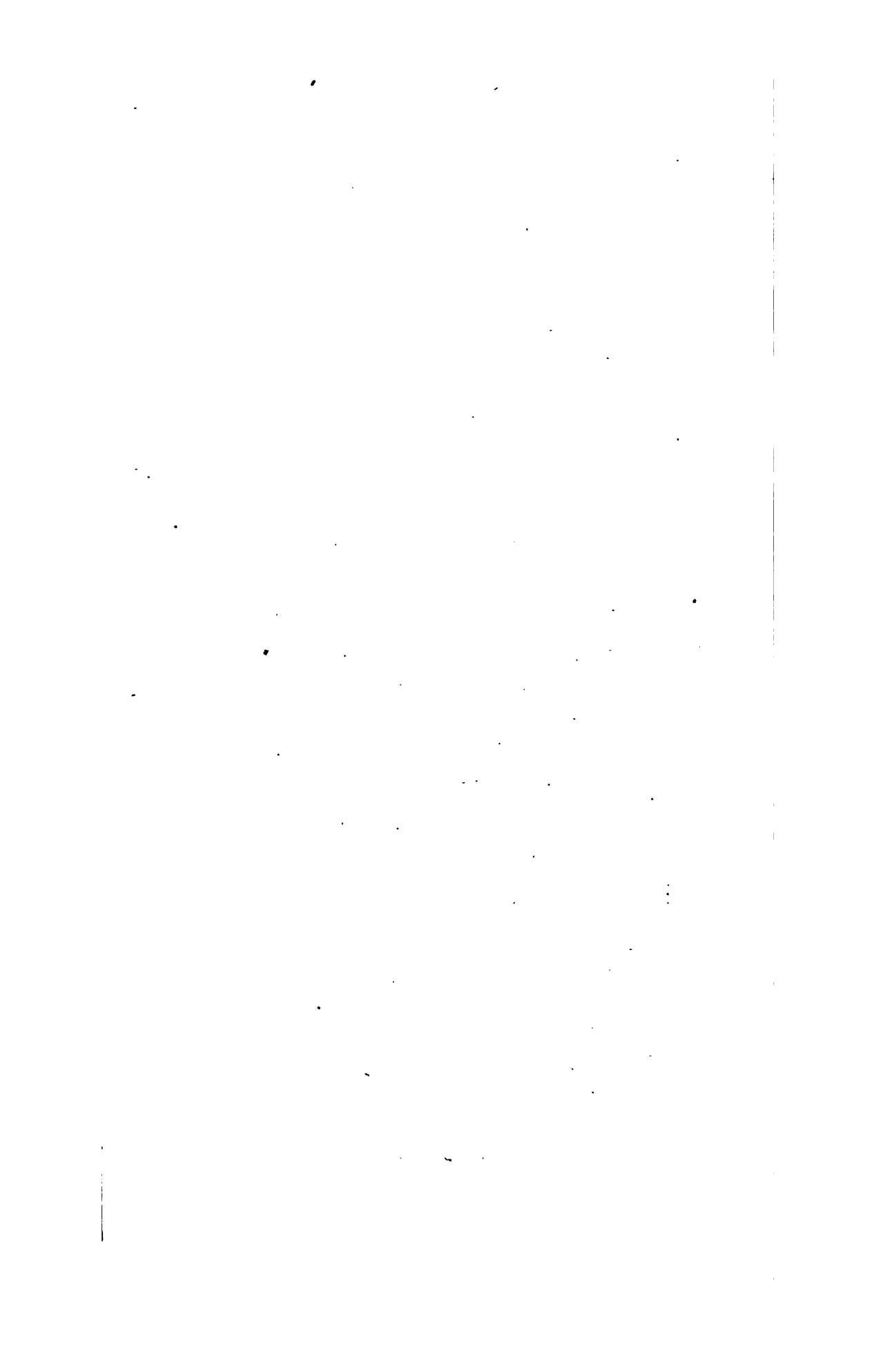
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**No. 60.**

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**IN ASSEMBLY,**

**January 22, 1831.**

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**REPORT**

**Of the select committee on the petition of Samuel Badger and others, for an act authorising said Badger to erect and maintain a dam across the Susquehannah river.**

Mr. Robinson, from the select committee to which was referred the petition of Samuel Badger and others, inhabitants of the county of Broome, praying for the passage of a law authorising said Badger to erect and maintain a dam in the Susquehannah river, in the town of Vestal, in the county of Broome,

**REPORTED—**

That the petitioners represent that a dam can be erected as prayed for by the petitioners, without in any way injuring the navigation of said river; and this representation appears to your committee, from the certificates presented, to be true; nor does it appear that the said dam will injuriously affect the rights of individuals.

Your committee have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

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No. 61.

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**IN ASSEMBLY,**

**January 25, 1831.**

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**MEMORIAL**

**Of 1,247 inhabitants of the county of Niagara, relative  
to the surplus waters at Lockport.**

*To the Honorable the Legislature of the State of New-York, in  
Senate and Assembly convened.*

The undersigned, inhabitants of the county of Niagara, respectfully represent to your honorable body, that in the construction of the Erie canal, for the purpose of supplying the Genesee Level with water from Lake Erie, a permanent waste-weir or race was made around the ten combined locks at Lockport. At the termination of this race, the owners of the land, at an early period, erected an extensive flouring mill, and other machinery, which were operated by the water which passed from the Erie to the Genesee level, until the middle of December, 1829, when, by an order from the acting Canal Commissioner, the water was shut out of the race, and turned into the locks; thereby rendering useless the mill and machinery aforesaid, and throwing the men engaged therein out of employment.

By turning the water into the locks, the navigation of the canal is not improved; neither does any one pretend that it was so disposed of, for the purpose of improving the navigation of the canal, or the public works connected therewith: but on the contrary, your petitioners believe, that this mode of passing from the Erie level a sufficiency of water to supply the Genesee level, has been attended with serious delay to boats passing the locks; with injury to these valuable and very costly erections; and that frequently the levels both above and below the locks, have been inadequately supplied with water, which necessarily delayed the boats navigating this sec-



tion of the canal. When, with these facts, the additional labor necessary to tend the locks be taken into consideration, it appears *surprising* to your memorialists, that the acting Canal Commissioner should for the past year have persisted in a measure fraught with so much inconvenience and injury to the navigation.

And your memorialists would further represent, that besides the water-power created by the passage of the water as before described, there is none other of durability within eighteen miles of Lockport. The great and irreparable injury which so extensive a territory must sustain, by the rendering useless for machinery a large proportion of this water, must be apparent to all who know the value of water power in a new country. The water which has the past year been discharged through the locks, was rendered useless, and the machinery which had been operated therewith, was idle; and putting out of view every other consideration, your petitioners think they have just grounds to ask for the speedy removal of so onerous a burthen, and that the enjoyment of a privilege so intimately connected with the prosperity of the inhabitants of this county be restored to them, particularly as the interests of the state could in no manner suffer by so doing. But your memorialists have a common interest, with all citizens of this state, in the uninterrupted navigation of the Erie canal; and feeling a deep and lively regard for a work of such utility and grandeur, have reason to expect that it may be so managed as best to promote the general welfare of our citizens.

Your petitioners are aware that the grievance complained of, has originated from a difference in a pecuniary matter, between the lessees, of the surplus water at Lockport, and the owner of the land around the locks: and while your petitioners disclaim all intention of intermeddling with the private concerns of individuals, they ask, that the public agents should not interfere, and bring their official power to bear on a private controversy, to the detriment of the public interests.

Convinced that the manner of passing the water at Lockport, from one level to the other, from the completion of the canal until December of 1829, was the most conducive to the public welfare, your memorialists humbly request, that your honorable body will stop its present diversion; and as in duty bound, they will ever pray, &c.

## DOCUMENTS.

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### **Affidavits, &c. accompanying the Memorial of the inhabitants of the county of Niagara, relative to the use of the surplus waters at Lockport.**

*Niagara County, ss.*

Davis Hurd, of the town of Royalton, in said county, being sworn, says, that he has for the last ten years been employed as an engineer on the Erie canal, the Farmington and Hampshire and Hampden canals; that he was engaged as an engineer on the Erie canal for five years, and had the superintendence of the construction of thirty-two miles of said canal east of the locks at Lockport; and deponent says, that he has been enabled to learn the quantity of water required to feed the Genesee level from the upper or Erie level of said canal, and for which purpose a capacious and permanent water course was made around the ten combined locks; and deponent is familiar with the plan and mode of the construction of said locks, being present and witnessing the progress of the work from the commencement to the completion of the same.

And deponent further says, that he has recently viewed said locks, and witnessed the operation of the present mode of discharging the greater portion of the surplus waters through the locks instead of said water course; and deponent is able to state that the column of water now passed through said locks must unavoidably do much damage and injury to the locks, if continued any length of time; interrupt the navigation of the canal, and delay the boats in passing the locks; and deponent is of opinion that the present mode of discharging said surplus waters is wholly impracticable with the security of the locks, and a sufficient and regular supply of water from the upper to the lower level of said canal.

DAVIS HURD.

Subscribed and sworn, before me, January 14, 1831.

JOSEPH CENTER,  
Justice of the Peace.

*Niagara County, ss.*

Calvin Batchelor, stone mason, of the said county, being duly sworn, deposes and says, that he assisted in the construction of the ten combined locks at Lockport, from the laying of the first stone thereof until the completion of the same, and that the four upper lifts of said locks were laid out by this deponent, who officiated as a foreman of the stone masons.

Deponent further says, that since the completion of the said locks, in 1825, he has seen the said locks almost daily, and that until the close of the year 1829 he had noticed, that the said locks appeared

to sustain the use to which they had been put without any evidence of failing. This deponent well recollects the time, in the month of December, 1829, when the water was turned through the said locks, and noticed that it was continued running through said locks during the winter following. Deponent says that it was the practice, in winters previous, to shut the water entirely out of said locks, to prevent the formation of ice therein, and deponent believes this practice to have originated from a desire to protect the said locks from the effects of ice. Deponent further says; that for the purpose of passing from the Erie to the Genesee level a supply of water for the canal to Montezuma, an aqueduct built of cut and hammered stone, was constructed from the head of the locks aforesaid, around the brow of the hill, in such manner as to pass the water into the canal below, which aqueduct deponent says, has not generally been used for the purposes for which it was constructed, since December, 1829.

And this deponent further says, that in consequence of not passing the water through the aqueduct aforesaid, it was necessary to discharge the same through the locks. From examinations made within ten days last past, deponent is positive, that much injury has already been done to the locks in consequence of passing the water through them as aforesaid. The five locks on the easterly side, through which the water has been generally passed, appear to have received the most injury. The flagging in the upper lock is torn up and displaced, to what extent deponent cannot say, owing to the quantity of water passing in said lock.

The walls of some of said locks are nearer together than they were originally placed; and the easterly wing wall at the northerly end of said locks, hangs over inwards, and is out of plumb, by measurement, about four inches. The northerly end of the centre wall and dome has settled, and is inclining towards the wing wall aforesaid, and is also considerably out of plumb. This deponent is of the opinion, that these appearances are mostly occasioned by the passing of the water aforesaid, which at certain times deponent has seen running in very large quantities, and occasioned a jar or tremor of the locks.

From the deponent's knowledge of lockbuilding, he is satisfied that the locks aforesaid would answer the purpose for which they were built, as they were carefully erected, and done in a first rate manner; and deponent is equally positive that if they are used for passing the large quantity of water which is necessary to pass from one level to the other, they cannot sustain such use very long without being rebuilt.

CALVIN BATCHELOR.

Subscribed and sworn to before me, this 14th day of January, 1831.

J. M. PARKS,

Commissioner of Deeds,

*Niagara County, ss.*

Hezekiah Hill, laborer, of the said county, being duly sworn, deposes and says, that he was employed for several months, the season past, in passing boats through the ten combined locks at Lockport.

And this deponent further says, that there is a stone aqueduct commencing at the head or southerly end of said locks, and running easterly around the brow of the hill, through which the water in seasons previous was passed, to supply the Genesee level of the canal: the use of said aqueduct as aforesaid, is indispensable for the convenient passing of boats through the locks.

And this deponent further says, that he was directed to pass the principal part of the water necessary for the Genesee level through the locks; and that deponent executed this order to the best of his ability, though frequently it was impossible so to do.

And this deponent further says, that in consequence of passing the water through the locks as aforesaid, boats navigating the canal were frequently detained until the locks could be got ready for their reception: that the culvert gates of the locks, almost every day, became choked with grass and flood-wood, particularly those near the head of the locks, and boats would be detained until the gates could be cleaned out. Had the aqueduct been used for passing the surplus water, instead of the locks, this difficulty would have been almost entirely avoided, as the grass and flood-wood would have drawn to the gates leading into the aqueduct. During the night, the labor of tending the locks was much increased, and boats were longer detained than in the day-time, owing to the difficulty of clearing the gates as aforesaid. Deponent is of opinion that the labor of turning the water through the locks as aforesaid, is equal at least to one extra hand.

And deponent further says, that boats passing east were always obliged to hold up and stop a sufficient time to have the locks made ready for their reception. No such delay would be necessary, was not the water passed through the locks, as they might at all times be ready, and boats might pass directly into the upper lock, without stopping. This delay, under the most favorable circumstances, would consume generally from five to fifteen minutes, at all times, when the arrival of the boat happened when the water was running through the locks.

And deponent further says, that the water could not be passed through the locks when boats were passing them; and consequently, the supply of water for the Genesee level was not at all times regular, which affected the canal more or less to Montezuma, as deponent believes.

And deponent also says, that when the water was not drawn through the locks to the level below, the water in the canal above the locks would rise, (and owing to timber and plank being placed on top of the stone wall between the canal and aqueduct, to prevent any water running over said wall into the aqueduct,) the said water would overflow the locks and run down the towing-path, on

the westerly side of the canal, much to the inconvenience of persons navigating the canal.

HEZEKIAH HILL.

Subscribed and sworn to before me, this 14th January, 1831.

ELIAS RANSOM, JR.

Commissioner of deeds, &c.

*Niagara County, ss.*

Benoni Richardson, laborer, of said county, being duly sworn, deposes and says, that he was employed to tend the locks, some part of the season last past. This deponent has heard the affidavit, made by Hezekiah Hill, read, and which is hereunto attached, which from actual experience, this deponent believes to be correct.

And deponent further says, that he has navigated the canal some part of the past season, and noticed that the Genesec level appeared to be short of water, which deponent principally attributed to there not being a sufficiency passed through the locks at Lockport. Deponent is also of opinion, that it would be difficult, if not impossible, to pass a sufficient supply for said level, through the locks aforesaid, if said locks were used for passing boats usually navigating the canal.

BENONI RICHARDSON.

Subscribed and sworn to before me, this 15th January, 1831.

ELIAS RANSOM, JR.

Commissioner of deeds, &c.

*Niagara County, ss.*

John Schuyler, laborer, of said county, being duly sworn, deposes and says, that he was engaged the last season, tending the locks at Lockport, and agrees in the statement made by Hezekiah Hill, in his affidavit hereunto annexed.

his

JOHN X SCHUYLER.

mark.

Sworn this 15th day of January, 1831, before me,

ELIAS RANSOM, JR.

Commissioner of deeds, &c.

The Grand Jury of the county of Niagara respectfully represent, That the manner in which the surplus wates of the Erie canal at Lockport are disposed of, is a subject deeply involving the interests of every citizen of this county. At the same time, we are fully aware that no legal remedy can be applied to correct evils of this character, yet it is no less our duty to present *this evil* than those of a strictly legal character. Of the causes which have led to it, we presume not to speak; but as citizens assembled from different parts of this county, we deem it proper to present to the public our views on a subject in which all are so greatly concerned, and which so essentially affects the public prosperity.

Previous to the construction of the Erie canal through this section of country, the inhabitants were at great expense, and suffered much loss of time, in getting their grain manufactured, their wool

carded, their cloth dressed, and to obtain such work as is done only by water power. For the uses and purposes of the canal it was necessary to make a feeder around the locks at Lockport, to supply the Genesee level with water. In its passage from the Erie to the Genesee level, this water can be used without any loss or detriment to the canal; while its use tends greatly to enrich this section of country and accommodate its inhabitants. It is of vital interest to the village of Lockport, and the manufacturing and farming interests of the county.

Soon after the completion of the canal, this water was successfully applied to machinery, and the effects were immediately and sensibly felt by the surrounding country.

In the month of December last, the superintendent of this section of the canal received an order from the acting Canal Commissioner, Henry Seymour, Esq. "to turn the surplus waters, at this place, through the locks, and away from the machinery, at all times when practicable." This order was carried into immediate effect, and continues to the present day—the consequence of which is, the great injury of the inhabitants of this village and of the country adjacent. Many persons, from their peculiar location, and from the drought usual at this season of the year, are obliged to go thirty and forty miles to mill, instead of ten or twenty miles.

Could we discover any plausible pretext for thus placing an additional burthen upon our laborious population, or any necessity for turning the water into the locks and rendering it useless, the subject would appear very different. But this act is altogether unnecessary for the uses and purposes of the canal and its navigation. We repeat, that this matter may appear trifling, but it is of the most serious consequence to a population covering at least 400 square miles—a population, too, who have natural obstacles in abundance to surmount, sufficient at least to exonerate them from a misfortune which appears to be *created* for reasons to us unknown. We have examined the locks, and believe that these "proud monuments of the spirit and enterprise of the freemen of New-York," will be seriously injured by the passage of so large a body of water through them, particularly as they were not calculated and constructed for this purpose. A capacious waste-weir around them, made at an expense of several thousand dollars to the state, for the only purpose of discharging this water, is unoccupied—for no other reason than, if used, the machinery will run, the operation of which is of such great interest to every individual of this county.

We frankly confess our feeling are aroused, and are of opinion, that the exigencies of this case require a prompt and efficient remedy. We again say, in conclusion, that after the causes which led to the evils of which we complain, we are not at present inquiring, but that a serious public injury is produced, and that it is most sensibly felt we are confident, and as such only we present it; and for this reason we submit, whether something should not be done to obviate it.

For and in behalf of the Grand Jury.

[Copy.]

SILAS C. LOCKWOOD, *Foreman.*

LATHROP FELLOWS, *Clerk.*

Lockport, Sept. 9, 1830.



**IN ASSEMBLY,**

**January 22, 1831.**

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**REPORT**

**Of the select committee on the subject relative to the  
firemen in the city of New-York.**

Mr. Myers, from the select committee consisting of the New-York delegation, to whom was referred the bill to abridge the term of service and extend the privileges of firemen in the city of New-York,

**REPORTED—**

That the firemen of the city of New-York are composed of a respectable and useful class of citizens, who are duly organized into companies for the laudable purpose of extinguishing fires and protecting the lives and property of their fellow-citizens. From the great extent and population of the city, and the frequent occurrence of fires and alarms, their labors are peculiarly arduous and dangerous. For a few years past, the number of fires in the city have been from one to two hundred annually, besides numerous false alarms, all of which call the firemen from their employments or their beds. Many of these fires occur in the dead of night, and render the labors of the firemen both arduous and dangerous. And from the constantly increasing severity of their duty, it is becoming difficult to obtain men enough to supply the various engines in the city.

When it is considered with what alacrity they fly to their engines at the alarm of fire, whether at noon-day or at midnight; and with what intrepidity and courage they ascend ladders to the top of buildings, enveloped in smoke and exposed to the devouring flames, both in the heat of summer, and the severest cold of winter, to rescue and save the property of their fellow-citizens from destruction—and also frequently the aged and infirm, and the helpless inmates from death,



your committee believe that the privileges proposed in the bill referred to them for consideration, are just and reasonable, and should be extended to them. The committee are aware that this is but a small reward for their services, but they have no doubt those of their fellow-citizens who are engaged in this service, possess a reward in their own breasts, paramount to every other consideration—the gratification of aiding their fellow-citizens in distress, and preserving their lives and their property from the devouring element, and bestowing benefits upon the community which cannot be paid, because they are above price.

The committee have instructed their chairman to recommend the passage of the bill referred to them for consideration.

**No. 63.**

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**IN ASSEMBLY,**

**January 22, 1831.**

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**REPORT**

**Of the select committee on the petition of the Board  
of Supervisors of the county of Essex.**

Mr. Gardiner, from the select committee to whom was referred  
the petition of the board of supervisors of the county of Essex,

**REPORTED—**

That they have had the said petition under their consideration,  
and the following is a statement of facts relative to that subject.

The town of Newcomb, in the county of Essex, was organized by  
an act of the Legislature, passed March 15th, 1828, and the present  
population consists of only nine or ten families ; and that the taxes  
on residents is trifling, amounting to a few dollars only ; and that the  
non-resident taxes are large, amounting to several hundred dollars ;  
none of which is paid to the collector. The consequence is, as stat-  
ed in the petition, that he receives very little compensation for his  
services ; his place of residence being about sixty miles from the of-  
fice of the county treasurer, where he must go to settle his accounts.  
The petitioners ask for a law to be passed for his relief.

Your committee think that the prayer of the petitioners is reason-  
able and ought to be granted ; they have prepared a bill for that pur-  
pose, and ask leave to present the same.

[A. No. 63.]

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**IN ASSEMBLY,**

**January 26, 1831.**

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**REPORT**

**Of the select committee, to whom was referred the bill, entitled "An act allowing daily pay to petit jurors in the city and county of New-York."**

**Mr. Myers, from the select committee, consisting of the members of the New-York delegation, to whom was referred the bill, entitled "An act allowing daily pay to petit jurors in the city and county of New-York," which was introduced on notice, by Mr. Myers, one of said delegation,**

**REPORTED—**

**That the committee have given the subject referred to them, the consideration which its importance merits, and are of the opinion, should the same be passed into a law, it would be productive of great public good.**

**The trial by an enlightened, intelligent and impartial jury, is one of the dearest rights of every citizen in this free government, and its continuance one of the best safeguards to the rights of man. It is the common interest of the community to retain on the jury list, men of sound and discriminating mind, and integrity of character, whatever may be their situation in life, in a pecuniary point of view.**

**Under the Revised Statutes of this state, the supervisors of the several counties are authorised to allow jurors, over and above all other allowances, one dollar per day for their services, and also three cents per mile for travel fee, going to and returning from court. The allowance alluded to, is twenty-five cents for each ci-**

vil cause on which the juror serves. For some of the counties, special laws have been passed, allowing the jurors seventy-five cents per day, and the committee are informed, that in several other counties the supervisors have made the allowance, agreeably to the provisions of the Revised Statutes. While these salutary provisions have been extended to other counties, the city and county of New-York presents a solitary exception, where the jurors are allowed by law only twelve and a half cents for each trial on which they serve; and the supervisors are restricted from allowing any further compensation to jurors, were they so inclined. And although it is provided in the 2d volume of the Revised Statutes, page 415, that, when it shall satisfactorily appear that the juror is not, at the time, the owner of real estate in the county, in his own name, or in the right of his wife, to the amount of one hundred and fifty dollars, or of personal estate to the amount of two hundred and fifty dollars, the court shall discharge them. Yet the committee are of opinion, that few, if any, of those who have seen better days, or have been in more affluent circumstances, will be willing to avail themselves of that benevolent provision; but from high mindedness, or pride, will be induced to serve, although they leave a suffering family at home. Others who have less pride, or more firmness to bear up against reverses of fortune, may avail themselves of this exemption; and as wisdom and integrity are not confined to any situation in life, the public are deprived of the benefit of the experience, wisdom and integrity of the jurors so discharged.

The committee would further remark, that jury duty is extremely burthensome in the city and county of New-York, which they have the honor to represent. New-York being the great emporium of the state, and "the queen of American cities," as very happily remarked by an honorable member of this house, furnishes almost constant business for the various civil and criminal courts in the city. The duty of those who are competent to serve as jurors is very arduous, and it is not uncommon for jurors to serve from four to twelve weeks in a year.

The bill before the committee, proposes to allow jurors seventy-five cents per day for their services, a sum barely sufficient to prevent their families from actual suffering, while they are so engaged on public duty, but not sufficient to induce improper persons to seek for the privilege of serving. Besides, the assessors who make up the list of jurors, will guard against the introduction of such persons.

Provision is made in the bill for paying the jurors, without a tax on the people, as it contains a tariff of trial fees, which it is presumed will raise a large proportion, if not all, the amount necessary to pay the jurors.

But if the whole amount were raised by taxation, on the real and personal property of the city, the amount would be but small ; and it would surely be more equitable and proper, that the burthen should fall upon the parties litigant, or on the public at large, than upon those who are compelled to serve as jurors.

The committee, upon the view of the whole subject, have instructed their chairman to present, for the consideration of the house, the bill to them referred, as amended.



No. 65.

## IN ASSEMBLY,

January 21, 1831.

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### ANNUAL REPORT

Of Horace Turner, an Inspector of Beef and Pork  
for the town of Lansingburgh in the county of  
Rensselaer.

*To the Honorable the Legislature of the State of New-York.*

I, Horace Turner, Inspector of beef and pork, residing in the town  
of Lansingburgh in the county of Rensselaer, hereby certify and

#### REPORT:—

That since my last return I have inspected in the whole, of beef  
and pork 2,884 barrels of the following qualities, to wit;

#### PORK.

30	barrels mess,	valued at	\$14	00
40	" prime	"	10	00

#### BEEF.

1,313	barrels mess,	valued at	\$7	50
1,501	" prime	"	4	75

2,884 barrels at 15 cents per barrel amounting to \$432 60

HORACE TURNER.

January 19, 1831.

[A. No. 65.]





No. 66.

## IN ASSEMBLY,

January 25, 1831.

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### REPORT

**Of the Secretary of State, giving an Abstract of the Returns of the Superintendents of the Poor in the several Counties.**

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

*Albany, Jan. 25, 1831.*

The Secretary of State, in obedience to the provisions of the statute for "the relief and support of indigent persons,"

#### **RESPECTFULLY REPORTS :**

That copies of the annexed circular, and form for the reports of superintendents, (marked A,) were transmitted to the several county clerks in June last.

On the last day of December, thirty counties were delinquent; and circulars were sent to these counties by mail, enclosing a duplicate of the form, and urging the superintendents to make their reports without delay. Reports or letters have since been received from twenty-one counties, and nine are still delinquent. Those counties in which the superintendents have omitted either to report, or to assign any reason for the omission, are Allegany, Broome, Cattaraugus, Chautauque, Kings, Orange, Schenectady, Sullivan and Yates.

It is made the duty of the Secretary of State, by the statute before referred to, (section 79,) to present annually to the Legislature, "during the first month of its session, an abstract of the returns and reports" received from the superintendents of the poor of the several counties. This abstract is given in the tables appended to this report, and marked B and C.

[A. No. 66.]

It will be seen by reference to these tables, that the whole number of town and county paupers relieved or supported during the past year, in the forty-four counties which have made returns, is 15,506.

The total number of paupers received into the poor-houses during the year, is 11,515.

The total number of paupers in the poor-houses of thirty-seven counties, on the 1st of December 1830, was 4,566. Of this latter number, 2,110 were in the New-York alms-house, and 2,456 in 36 other counties, averaging 68 in each county. Assuming this average for the eighteen counties which have not a poor-house, or have not reported, and it gives 1,224, and would make the total number in the poor-houses on the first of December last, 5,790.

The average number of paupers for the year, probably would not exceed the number in the poor-houses on the 1st of December. If so, the total expense of their support, over and above their earnings, and the cost of the poor-house establishments at the average cost in those counties from which reports have been received, would be \$173,230.80 cents.

The total cost of the poor-house establishments in thirty-four counties, is \$191,348.64 cents, averaging \$5,627.90 cents each. Taking this average for twenty counties which have not returned the value of their poor-houses, and it makes the total expense of the poor-houses in all the counties except New-York, \$303,906.64 cts. : add to this the cost of the alms-house establishment in New-York, and it makes the aggregate cost of poor-house establishments in the State \$865,406.64 cents ; which, at an interest of six per cent, gives \$51,924.39 cents, making the total annual expense of supporting all the paupers in the State \$225,161.19 cents.

This estimate is based upon the assumption that the number of paupers in the poor-houses on the 1st December would be the average number for the year ; and that they are to be supported in the poor-houses at \$29.92 cents per year each.

The whole expense of supporting town and county paupers in forty-four counties, as will be seen by reference to the 4th column of Abstract B, is \$216,535.00 : deducting New-York, and the average is \$3,021.79 cents for each of the forty-three counties, making returns of the amount paid ; and this average multiplied by ten coun-

ties from which the returns are deficient, gives \$30,217.90 cents; making the aggregate expense of supporting the poor in the State, by the different modes now adopted, \$246,752.90 cents.

The estimate of expense for the support of paupers, as given in the 4th column of Abstract B, does not embrace generally any allowance for the expense of the poor-house establishments; and in some cases, the amount paid to overseers, justices, &c. is not included.

It will be seen by reference to the second column of Abstract C, that the total cost of all the poor-house establishments is \$757,257.64 cents.

This probably embraces all the poor-houses now built.

The total number born in these poor-houses during the year, was 108; died, 863; bound out, 298; discharged, 4,563; absconded, 504. Of the persons relieved during the year, there were 2,398 foreigners, 345 lunatics, 361 idiots, and 32 mutes.

Of the persons in the poor-houses on the 1st December, (excepting therefrom the alms-house in New-York,) there were 1,151 females, and 1,199 males: Total, 2,350.

Of the females, there were of 16 years of age and under, 339; males of the like age, 337: total, 676. This does not include any of the children in the New-York alms-house, where there are 550 of 11 years of age and under.

The paper marked D, shows the number of children in each poor-house, and the arrangements which have been made for their instruction. As ignorance is one of the assigned causes of pauperism, it is desirable that in providing for the support of the poor, provision in all cases should be made for removing, so far as relates to the tenants of the poor-house, this cause of pauperism. It ought to be made imperative upon the superintendents in every case, to provide means of instruction for all the children under their charge, who are of suitable age to go to school. In the New-York alms-house, an excellent school is kept in which about 300 children are constantly taught on the monitorial plan. This is the school at Bellevue, as returned by the public school society, and which shares in the school money of the state and city.

The paper marked E, contains a list of twenty counties in various sections of the state, in each of which the poor-house system has been adopted, and is in fair operation. It will be seen by this table that the average cost of supporting a pauper, over and above his earnings, and making no allowance for the expense of the poor-house establishment, is \$29.92 cents per year;\* or 54 $\frac{8}{10}$  cents per week. The same table shows the proportion which the whole number of paupers relieved in and out of the poor-house, bear to the whole population in each county; and exhibits the average in twenty counties, to be one pauper relieved to 208 $\frac{1}{10}$  of the whole number of souls. In another column is exhibited the proportion which the paupers, in the poor-houses in these twenty counties, bear to the population in each, and giving a general average of one pauper in the poor-house to every 622 of the whole population of the counties embraced in the list.

In 1824, it was estimated in Mr. Yates' report, that there were then in the State 6,896 permanent paupers, and 15,215 occasional paupers, making a total of 22,111. It was also estimated that the proportion of permanent paupers was as 1 to 220 of the whole population, and of occasional paupers, 1 in every 100. The total expense of permanent paupers in the State, was estimated at 344,800 dollars, or \$49.70 cents as the average cost of each pauper. The total expense of occasional paupers, was estimated at 125,782 dollars, or \$8.27 cents each per year. Total expense 470,582 dollars, which does not embrace the excise money, estimated at 66,600 dollars.

Taking the returns which have been received the present year as the average for the counties which have not made reports, and the permanent paupers may be estimated at 5,790; and the occasional paupers at 12,348; showing a total of 18,138 in the State, which is equal to one permanent pauper in every 339 souls, and one occasional pauper to 107.†

\* It was ascertained in 1824, that in the state of Delaware, where the poor-house system prevails, the yearly expense of a pauper was 45 dollars, including expenses of poor-house establishment. The mere support of the pauper \$41.11 cents.

† In Connecticut, where a variety of modes prevail in regard to supporting paupers, the general average expense of permanent paupers, was 35 dollars per year. In four counties in Pennsylvania, the average expense of each pauper was \$53.46 cents, exclusive of the proceeds of the farms on which the poor-houses are erected.—Mr. Yates' Report, Assembly Journals, 1824.

† In Connecticut 1 in every 150 souls is a permanent pauper, and there is the like proportion of occasional paupers.

In the interior of Pennsylvania, where the poor-house system prevails, there is 1 pauper to 209 souls. In New-Hampshire, in 1820, 1 pauper to every 100 souls. In Massachusetts, 1 in 68.—Mr. Yates' Report.

In Scotland, the regular poor were stated in 1818, to be 1 to 100; and the persons incidentally assisted, equal to 2 in 100. The average number of paupers in England, for the years 1813, 1814 and 1815, was above 9 in the hundred of the general population. For these more than eight

The document marked F, contains, under the heads of the several counties, the explanations and suggestions of the superintendents of the poor.

It is desirable that the statute for "the relief and support of indigent persons," should be printed in a pamphlet form, and distributed to all the officers who are required to execute its provisions.

A. C. FLAGG.

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millions of pounds sterling were annually expended; which amounts to above 16 shillings per head on the whole population of England and Wales.

In France the numbers of poor are considered as rising to one-fifteenth of the population in rural parts—to one-tenth in the towns, and to one-seventh in Paris.—Edinburgh Encyclopedia.



## DOCUMENTS.

(A.)

### CIRCULAR.

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

ALBANY, May 28, 1830.

*To the Superintendents of the Poor of the county of*

GENTLEMEN,

Accompanying this you will receive a form for the reports required by the 75th section, page 631, vol. 1, of the Revised Statutes, to be made by the superintendents of the poor to the Secretary of State. So much of the present year has passed, that you may not be enabled to collect all the information necessary to a full report for this year; if so, you can report in December next, so far as you have the means of obtaining the required information. The reports should be transmitted to this office, by mail, as soon as practicable after the first of December.

In addition to the information required in the report, the superintendents are requested to give any other facts, or make any suggestions, which in their opinion will be useful or interesting.

The children between 5 and 16, who are tenants of the county poor-house, are not in consequence of that location to be enumerated in the school district where the poor-house happens to be situated; the children however ought to be instructed, and it is desirable to ascertain how far this object is accomplished, to the end that further legislation may be had on this point, if it is needed. If there are deaf and dumb persons in the poor-house under 25 years of age, and of sound mind, application ought to be made at once to get them into the deaf and dumb schools, either at New-York or Canajoharie. An act was passed at the last session, to add 32 to the number of pupils in those schools, to be supported at the expense of the state. Names sent to this office, will be transmitted to the schools, as candidates for admission; and any information furnished which may be required.

I am, with much respect,

Your ob't. serv't,

A. C. FLAGG.

NOTE.—The county clerk is requested to hand over to the superintendents of the poor of the county, or one of them, the forms accompanying this circular. In counties where the superintendents are not yet appointed, the clerk will retain the package in his office until they are chosen.



## REPORT

*Of the Superintendents of the Poor of the County of  
to the Secretary of State.*

The superintendents of the poor of the county of  
in pursuance of the provisions of the Revised Statute for "the relief  
and support of indigent persons," present to the Secretary of State  
their annual report, as follows:

The number of paupers relieved or supported during  
the year preceding the 1st of December instant,  
was.....  
Of the persons thus relieved, the number of county  
paupers was.....  
The number of town paupers,.....  
The whole expense of such support was..... \$  
Of this sum there was paid for transportation of pau-  
pers,.....  
Allowance made to Superintendents.....  
do. do. Overseers,.....  
do. do. Justices,.....  
do. do. Keepers and Officers,....

[Here insert any other items which do not compose  
any part of the actual expense of maintaining the pau-  
pers.]

The actual value of the labor of the paupers main-  
tained, was .....  
The estimated amount saved in the expense of their  
support in consequence of their labor,.....  
The sum actually expended, over and above the labor and earn-  
ings of the paupers, divided by the average number kept during the  
year, gives            dollars            cents per year, or  
cents per week, as the actual expense of keeping each person.  
The county poor-house has            acres of  
land attached to it, and the whole establishment is  
valued at..... \$  
The number of persons in the poor-house on the 1st  
Dec. inst. was.....  
Of this number, there were of females,.....  
   of males,.....  
Of the females, there were of 16 years of age and under,  
Of the males of the same age,.....  
Of the persons relieved or supported during the year, there  
were            foreigners;            lunatics;            idiots; and  
                 mutes: of the mutes            were between the ages of  
10 and 25 years.  
The number of paupers received into the poor-house  
during the year, was.....  
Born in the poor-house,.....  
Died during the year,.....

No. 66.]

9

Bound out, .....  
Discharged, .....  
Absconded, .....

*[State whether the children have been sent to school or instructed  
in the poor-house, and how many months, and the number of scho-  
lars instructed.]*

Given under our hands, at this day  
of December, 183

}  
Superintendent  
of the Poor.

[A. No. 66.]

3



..	275 00	.....	120 00	.....	1 20	.....	57 20	1 10
..	340 00	.....	.....	.....	.....	.....	27 54	53
..	435 00	.....	.....	.....	275 00	.....	18 46	351
87	400 00	.....	200 00	.....	350 00	.....	30 68	59
..	454 00	.....	600 00	.....	600 00	.....	19 22	361
..	.....	.....	7,168	.....	.....	.....	.....	.....
..	.....	.....	2,147	.....	.....	.....	.....	.....



# ABSTRACT. (C.)

No. 66.]

19

COUNTIES.	Acres of land attached to poor-house.	Value of poor-house establishment.	Number of paupers received into the poor-house during the year.	Born in the poor-house during the year.	Died during the year.	Bound out during the year.	Discharged during the year.	Absconded during the year.	Number of persons in the poor-house Dec. 1, 1880.			Of this persons relieved or supported during the year, there were			
									Females.	Males.	Total.	Foreigners.	Lunatics.	Idiots.	Mutes.
Albany, .....	60	18,000 00	440	6	34	25	353	16	124	119	243	238	10	5	
Allegany, .....	....	.....	....	..	..	..	....	..	....	....	....	....	..	..	
Broome, .....	....	.....	....	..	..	..	....	..	....	....	....	....	..	..	
Cattaraugus, .....	....	.....	....	..	..	..	....	..	....	....	....	....	..	..	
Cayuga, .....	83	5,000 00	154	8	13	7	112	9	30	30	60	13	8	14	
Chautauque, .....	....	.....	....	..	..	..	....	..	....	....	....	....	..	..	
Chenango, .....	173	4,000 00	35	3	5	6	32	7	15	21	36	6	8	7	
Clinton, .....	90	3,500 00	145	3	7	7	76	9	17	26	43	76	5	7	
Columbia, .....	200	13,000 00	175	7	23	30	109	30	86	68	154	35	7	..	
Cortland, .....	8	88 75	41	3	3	2	22	1	5	8	13	....	..	..	
Delaware, .....	102	4,409 00	36	1	6	11	8	2	26	18	44	....	6	8	
Dutchess, .....	....	.....	....	..	..	..	....	..	....	....	....	....	..	..	
Erie, .....	87	10,363 90	219	4	12	8	185	22	36	23	59	60	3	1	1
Essex,* .....	....	.....	....	..	..	..	....	..	....	....	....	....	..	..	

COUNTIES.	Acres of land attached to poor-house.	Value of poor-house establishment.	Number of paupers received into the poor-house during the year.	Born in the poor-house during the year.	Died during the year.	Bound out during the year.	Discharged during the year.	Absconded during the year.	Number of persons in the poor-house Dec. 1, 1881.			Of the persons relieved or supported during the year, there were			
									Females.	Males.	Total.	Foreigners.	Lunatics.	Idiots.	Mutes.
Franklin, .....	25	+150 00	30	..	3	..	3	2	16	6	22	4	1	..	1
Genesee, .....	120	4,000 00	178	5	18	11	53	4	35	34	69	20	9	2	1
Greene, .....	111	5,000 00	186	5	9	3	31	10	55	64	119	15	6	5	4
Herkimer, .....	25	1,500 00	2548	..	12	9	20	72	25	18	43	2	..	..	1
Jefferson, .....	153	3,000 00	158	..	11	9	86	1	14	37	51	60	6	2	2
Kings, .....	..	.....	....	..	..	..	....	..	..	..	..	..	..	..	..
Lewis, .....	55	2,500 00	39	4	4	1	15	..	11	8	19	9	2	3	..
Livingston, .....	136	7,000 00	43	4	2	7	30	8	21	13	34	12	1	2	2
Madison, .....	125	6,587 55	115	..	8	5	7	52	20	19	39	3	16	2	2
Monroe, .....	47	4,300 00	189	2	10	4	..	..	19	18	37	111	3	3	3
Montgomery, .....	151	7,000 00	177	2	16	12	..	14	44	68	112	28	10	25	8
New-York, .....	137	56,1500 00	4910	..	505	..	2295	..	..	..	2110	1300	143	89	..
Niagara, .....	93	1,675 00	95	1	6	7	72	9	13	18	31	33	..	..	..
Oswego, .....	115	7,000 00	236	9	25	10	190	64	6	61	122	76	24	7	2
Onondaga, .....	144	5,933 44	132	3	12	7	82	27	24	31	55	19	9	6	2
Ontario, .....	106	9,500 00	142	3	3	14	84	34	46	25	71	18	..	17	..

Orange, .....	....	3876	757,257 64	11551	108	863	298	4563	504	1151	1199	4580	2398	345	361	32
Orleans, .....	93	3,800 00	41	..	5	2	19	..	1	7	8	15	..	4	1	2
Oswego, .....	61	3,000 00	57	1	4	10	37	10	10	12	13	25	7	7	5	2
Otego, .....	157	10,000 00	182	4	8	10	69	8	8	38	45	83	6	6	17	1
Putnam, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	..
Queens, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	2
Rensselaer, .....	....	....	....	..	..	..	....	..	..	62	66	128	64	8	..	..
Richmond, .....	96	4,250 00	40	..	2	..	13	2	2	8	14	22	5	3	1	..
Rockland, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	..
Saratoga, .....	174	7,000 00	218	14	12	12	84	9	9	68	49	117	29	8	13	..
Schenectady, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	1
Schoharie, .....	129	2,250 00	26	2	1	..	1	9	9	21	20	41	..	2	4	1
Seneca, .....	101	4,500 00	65	2	4	6	24	16	16	9	6	15	3	1	2	1
St. Lawrence, .....	80	3,000 00	60	1	7	4	26	2	2	14	9	23	39	1	..	..
Steuben, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	..
Suffolk, .....	....	....	20	..	..	..	....	..	..	..	..	..	..	..	..	..
Sullivan, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	..
Tioga, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	..
Tompkins, .....	100	5,000 00	71	2	6	6	53	4	..	19	30	49	9	7	3	1
Ulster, .....	150	7,000 00	24	3	18	18	39	10	10	61	64	125	14	8	13	2
Warren, .....	200	2,000 00	25	2	3	..	24	..	..	18	15	33	..	..	..	..
Washington,† .....	....	....	....	..	16	20	119	..	..	..	..	95	..	..	..	..
Wayne, .....	150	6,000 00	96	..	2	..	12	10	10	47	27	74	9	1	4	1
Westchester, .....	40	14,750 00	203	5	28	21	109	30	30	79	100	179	79	4	8	2
Yates, .....	....	....	....	..	..	..	....	..	..	..	..	..	..	..	..	..
	3876	757,257 64	11551	108	863	298	4563	504	1151	1199	4580	2398	345	361	32	

**if Value of poor-house not stated.**

**+ \$150 rent**

**\* No poor-house.**



## RECAPITULATION.

Acres of land attached to poor-houses, .....	3,876
Total value of poor-house establishments,.....	\$757,257.64
Total number paupers received into the poor-houses during the year,.....	11,551
Born in the poor-houses, .....	108
Died during the year, .....	863
Bound out, .....	298
Discharged, .....	4,563
Absconded,.....	504
Total females in poor-houses, Dec. 1, excepting N. York,	1,151
Males, do .....	1,199
Total of both sexes, including New-York,.....	4,580
Foreigners relieved during the year,.....	2,398
Lunatics, .....	345
Idiots, .....	361
Mutes,.....	32

(D.)

*The following Table shows the number of Children in the several Poor-Houses, under 16 years of age, and the provision made for their instruction.*

COUNTIES.	Females under 16.	Males under 16.	Total.	Remarks in relation to instruction.
Albany, .....	33	30	63	Average of 20 instructed in almshouse.
Cayuga, .....	12	11	23	No schooling reported.
Chenango, .....	6	7	13	Sent to district school.
Clinton, .....	4	6	10	No schooling reported.
Columbia, .....	24	27	51	25 instructed.
Cortland, .....	1	4	5	No schooling reported.
Delaware, .....	5	7	12	do do
Dutchess, .....	.....	.....	.....	No poor-house.
Erie, .....	8	13	21	Children taught in poor-house.
Essex, .....	.....	.....	.....	No poor-house.
Franklin, .....	6	1	7	No schooling reported.
Greene, .....	9	20	29	do do
Genesee, .....	6	10	16	do do
Herkimer, .....	4	1	5	do do
Jefferson, .....	3	10	13	do do
Lewis, .....	3	4	7	3 sent to district school.
Livingston, .....	3	2	10	Sent to district school, those of proper age.
Madison, .....	6	5	11	No schooling reported.
Monroe, .....	11	7	18	Children instructed in poor-house.
New-York, .....	.....	.....	*550	300 instructed in a school in almshouse.

COUNTIES.	Females under 16.	Males under 16.	Total.	Remarks in relation to instruction.
Niagara,.....	5	9	14	Children sent to district school three months.
Oneida,.....	21	21	42	Children taught in poor-house whole year.
Onondaga,.....	12	18	30	No schooling reported.
Ontario,.....	16	9	25	Average of 15 taught in poor-house eight months.
Orleans,.....	4	3	7	No schooling reported.
Oswego,.....	6	5	11	Some sent to district school and others taught in house.
Otsego,.....	17	12	29	Children instructed in the poor-house.
Queens,.....	.....	.....	.....	No poor-house.
Richmond,.....	2	4	6	Children instructed in poor-house.
Saratoga,.....	21	20	41	No schooling reported.
Seneca,.....	2	1	3	do
Scholarie,.....	8	5	13	do
Steuben,.....	.....	.....	.....	No poor-house.
St. Lawrence,.....	5	4	9	No schooling for the children.
Suffolk,.....	.....	.....	.....	No poor-house.
Tompkins,.....	7	9	16	No schooling reported.
Warren,.....	4	5	9	do
Washington,.....	.....	.....	.....	do
Wayne,.....	25	10	35	do
Westchester,.....	36	37	73	The Children are kept at school in the house.
	339	337	1226	

\* There are 550 under 11 years of age.

## (E.)

The following table contains a list of twenty counties in which the poor-house system is in fair operation, and shows the average expense of supporting a pauper for a year and for a week; and also the proportion which the whole number of paupers relieved or supported during the year, as well as those in the poor-houses on the 1st December 1830, bear to the whole population of the several counties:

COUNTIES	Average sum actually expended for each person during year.	Average sum actually expended for each person per week.	Proportion which the whole number of paupers relieved during the year, bear to the whole population in the county.	Proportion which the persons in poor houses Dec. 1, 1830, bear to the whole population of the county.
Albany city, .....	\$39 26	\$00.75½	1 to 40	1 to 98
Cayuga, .....	32 06	.31	1 to 227	1 to 794
Chenango, .....	25 22	.47½	1 to 435	1 to 1039
Clinton, .....	24 95	.48	d to 131	1 to 449
Columbia, .....	18 60	.35	1 to 117	1 to 259
Delaware, .....	43 16	.83	1 to 434	1 to 750
Erie, .....	43 16	.83	1 to 124	1 to 605
Greene, .....	30 85	.59	1 to 158	1 to 248
Jefferson, .....	41 07	.79	1 to 135	1 to 950
Madison, .....	18 46	.35½	1 to 339	1 to 1000
Monroe, .....	30 68	.59	1 to 151	1 to 1346
Montgomery, .....	19 22	.36½	1 to 206	1 to 414
New-York, .....	.....	.64	1 to 43	1 to 101
Oneida, .....	33 70	.64	1 to 189	1 to 572
Ontario, .....	26 24	.50	1 to 198	1 to 566
Oswego, .....	22 88	.44	1 to 315	1 to 1084
Otsego, .....	26 49	.51	1 to 282	1 to 618
Saratoga, .....	.....	.60	1 to 184	1 to 342
Tompkins, .....	36 19	.69	1 to 292	1 to 745
Washington, .....	26 37	.51	1 to 173	1 to 455
General average, .....	\$29 92	\$00.56½	1 to 208½	1 to 622

(F.)

**ALBANY.**

The only report from this county is from the superintendent of the alms-house of the city of Albany. The salary of the superintendent, \$500, is placed in the table A. under the head of "allowance to superintendents." The living of the superintendent is estimated at \$50 dollars besides his salary. The allowance of \$28 dollars is for keepers and assistant farmers, &c. There is a school attached to the alms-house in which an average of about 20 children are taught 12 months in the year.

**CAYUGA.**

The sum of \$1,903.08 cents includes the transportation of paupers, their boarding, clothing and physicians bill, and all other expenses incurred excepting the superintendents, overseers and justices, for as these last named were contracts away from the poor-house, (except a very small proportion of the superintendent's charges,) it was thought best to put the expense actually incurred at the establishment by itself.

We take the liberty of calling your attention to a particular grievance which we think ought to be remedied, in the hope you will concur with us in opinion and suggest some means to have it done. The present law requiring all paupers to belong to the county where they become such, makes it incumbent on this county to support all who are discharged from the state prison under circumstances which disable them from maintaining themselves: Of this description there have been a number discharged since our county-house was established, some with long continued chronic complaints which will probably disable them for life and accompany them to their graves; others are lunatics, and others are idiots, and probably were discharged for these causes from prison. These according to the existing law must be supported by this county, thereby taxing us with an expense which we think is unjust, and that we ought to be relieved from it.

**CHENANGO.**

The estimate of labor is made on the amount of hired help, male and female, necessary to perform the labor done in the various departments of the establishment which is now performed by the paupers, and not from any mechanical trade or business carried on therein. The children have been instructed in the district school, adjoining the poor-house farm, at the expense of the county without aid from public money.

**CLINTON.**

The difference between the actual value of the labor of the paupers and the amount stated in the report as saved in the expense of their

support, arises from part of the labor having been applied to making improvements upon the farm to the amount of \$229.40.

On this subject the superintendents differed in opinion: A majority were of opinion that the part of the earnings of the paupers that was applied directly towards their support only, should be deducted from the expenses of supporting them, and this mode was adopted, making the expense of each pauper 48 cents a week. Others were of opinion that the whole labor of the paupers should be deducted, which would have reduced the expense of each to 40 cents a week, or \$22.62 a year. There has been paid out during the year preceding the first of October, for temporary relief and expenses of justices and poor-masters in the several towns, \$656.13 cents. We have made our report from October to October, as the superintendents then have to make up and settle all the accounts with the supervisors. It would be difficult to ascertain the exact amount from December to December, as specified in the forms.

#### COLUMBIA.

The average expense of supporting such only as have been maintained at the county-house, is twenty-seven cents the week; the sum of 35 cents contained in the report, includes such as could not be removed to the county poor-house, as well as those supported there.

A school house has been kept the whole year, and the average number taught has been twenty-five for the children of the house.

#### CORTLAND.

The town poor at the poor-house are on special contract. None reckoned in the report except those at the poor-house. The poor-house and land rented and added to the amount of expense. Commenced poor-house, Jan. 16, 1830.

#### DELAWARE.

We purchased one pair of oxen at \$75 to work the farm; one ox cart and one fanning mill, for which we paid \$52, which is not deemed an annual expenditure. We have three paupers out of the poor-house who are not able to be removed to it: The expenses of outstanding paupers and the amount paid for temporary relief, is \$299.44, all of which is included in the report: The distinction between town and county poor was abolished in November, 1828. Our poor-house has been in operation two years: In consequence of our poor-house establishment the county has saved, at a moderate calculation, over two thousand dollars per year.

#### DUTCHESS.

The county of Dutchess has as yet made no county poor-house: As the reports of the supervisors give no information of the town paupers subsequent to the first of April last, the superintendents can make no return of the number of town paupers to whom relief has been furnished since that time; they have therefore reported the facts according to the best information in their possession for the year ending on the first of April, 1830.

## ERIE.

The superintendents state that the amount paid for transportation of paupers and the allowance to overseers and justices has not been audited by them, and they do not know the amount of the charges in those cases: Among the 286 paupers relieved are included 80 vagrants.

The superintendents have employed an instructor, and have sustained a school about three-fourths of the past year.

## ESSEX.

The board of superintendents of the poor of the county of Essex, respectfully report, that the members of the board were appointed by the board of supervisors of said county, at their annual meeting in November last; notice of which appointment was received by said members after the adjournment of said board, with a notice to meet, &c. on the 6th instant; on which day said board met and organized: That said board have made no formal adjudication or determination as yet, who are or how many are county paupers at this present time in said county, but have allowed charges for sustenance of thirty-three persons since the first of January last, amounting in the whole to the sum of seven hundred ninety-five dollars and three cents. And further, that this board has not received from the Secretary of State, a form for this report. And further, that this board has received no abstracts from the clerk of supervisors, as required by the Revised Statutes of this State, or other means of ascertaining the number of paupers relieved in said county since the first of January last, or any means of distinguishing the number of town from county paupers.

The supervisors of several towns have made the returns which follow:

The supervisor of Jay reports,	
Expense of 1 county pauper, .....	\$17 00
" of 1 town do .....	52 00
To overseers, .....	10 00
	<hr/>
	\$79 00

The supervisor of Essex reports,	
Expense of 4 county paupers, .....	\$46 85
" of 6 town do .....	216 37
To overseers of the poor, .....	9 00
Supervisor and town clerk, auditing, &c. ....	2 50
	<hr/>
	\$274 72

The supervisor of Willsborough reports,	
Expenses of 1 town pauper, .....	\$1 50
" 4 county do. amount unknown.	

The supervisor of Moriah reports,	
Expenses of 3 county paupers, .....	\$78 4c
To overseers of poor, .....	10 0c

Carried forward, .....	<hr/>
	\$388 40

	Brought forward, .....	\$86 40
To justices, .....		3 00
To other officers, .....		2 00
		<hr/> \$93 40

## FRANKLIN.

The superintendents were appointed on the 9th of February 1830, with power to rent a tenement and provide for the support of the poor. The house was ready for the reception of paupers on the first of May, 1830. The returns embrace the expenses from May to November. The expense of supporting the paupers has been greatly enhanced in consequence of fitting up a house, procuring furniture, &c. The superintendents have no doubt but a great saving has already accrued to the county from the adoption of the system, in consequence of its preventing many applications for relief.

## GREENE.

The number of town and county paupers relieved out of the poor-house during the year preceding the first of April 1830, was 94; of these, 38 were county paupers. The whole expense of the support of these county paupers was \$260.29 cents: of this sum, there was paid for transportation, \$9; allowed to overseers, \$36; to justices, \$7. The number of town paupers relieved was 56, at an expense of \$699.99 cents: of this sum, \$19.25 cts. was paid for transportation; \$106.28 cents allowed to overseers, and \$78.25 cents to justices. Total paid for the support of paupers out of the poor-house, \$960.28 cents.

## GENESEE.

It will be seen that \$141.61 cents has been paid for the support of paupers who could not be removed; so that the number supported in the poor-house will not cost quite as much by the year or week as is stated in the report. The superintendents have not been able to employ the paupers at labor to any advantage. They are generally quite advanced, sick, infirm, lunatic, or unable to labor on a farm. They are generally discharged when they become able to labor on a farm, and we have not the means of employing them which are resorted to at some other places. We have no town paupers.

## JEFFERSON.

The report of the superintendents includes returns from the supervisors, from March 1, 1829, to March 1, 1830, and are as follows:

74 town paupers, expense, .....	\$1,248 28
Paid to overseers, .....	123 91
Paid to justices, .....	45 25
" transportation, .....	12 63

---

\$1,430 07



40 county paupers, expense, .....	\$666 13
Paid to overseers, .....	27 00
“ justices, .....	24 00
“ transportation, .....	9 00
	<hr/>
	\$726 13

Deducting what we think a due proportion from the above, we estimate the whole number of paupers for the past year at 282, and the whole expense at \$4,412.47 cents. It also includes the amount paid on justices' orders for temporary relief, and the amount audited by the board of supervisors for the support of paupers. The whole expenses at the poor-house have only been \$1,868.94 cents. The average number of paupers at the poor-house, 45½; making 2,366 weeks' board.

#### LEWIS.

Two children sent to common school four months each, and also one child three months.

#### LIVINGSTON.

The distinction between town and county paupers has been abolished in this county by the board of supervisors. The number of superintendents has been reduced from five to three. Allowance to physician for the poor-house, \$75; stock purchased for the farm, \$149.45 cents; furniture for the house, \$84.07 cents.

There has been expended in the support of paupers not brought to the poor-house, \$447.30 cents; allowed to overseers of the poor by supervisors, \$49.75 cents; to justices, \$22. These three last items are not embraced in the estimates of the report. We find it impossible to form an accurate estimate of the value of the labor of the paupers. Some of them are absolutely helpless, and can do nothing; others can do a little; and a very few can sometimes perform as much labor as well persons. There is one lunatic and one idiot under the care of the superintendents, but not kept at the poor-house. The children who were of suitable age, have attended the district school.

#### MADISON.

Owing to the manner in which the accounts of the overseers of the poor and justices of the peace were audited by the board of supervisors, it is not in our power to fill the blanks for the allowances to those officers. We have called upon the clerk of the board and he is unable to give us the requisite information. Their accounts for services done for the poor being mixed in with numerous other charges for different services, and deductions having been made by the board upon their whole bills, it was impossible to procure an accurate statement. There are 4 lunatics, supported with their friends. Amount paid physician attending the poor-house \$110.

**MONTGOMERY.**

The distinction between county and town poor is abolished. The superintendents have not included in their report the amount paid to overseers and justices for their services, nor the amount expended for temporary relief out of the poor-house, they having no data by which to ascertain those amounts. A school has been kept in the poor-house by two of the paupers for the term of ten months, and the number of scholars instructed was 34.

**NEW-YORK.**

Mr. Burtis, the superintendent of the alms-house, gives the following statement in regard to the cost and extent of the poor-house establishment in the city of New-York, viz :

We have now enclosed at Bellevue, by a high stone wall, 26 acres, which with the buildings reported by the committee as first completed, cost about 450,000 dollars; since then we have added two acres of land and a number of buildings, &c. which addition has cost more than 50,000 dollars; we have outside of the wall 109 acres at \$600 per acre, making 61,500 dollars, and giving a total of 561,500 dollars, as the cost of the alms-house establishment. In this I have not included Blackwell's Island, which contains 110 acres, and with the building now erected, has cost above 60,000 dollars : This establishment is almost entirely occupied with a class of paupers that may be fairly reported by you as such, a few only being confined there for petit larceny, but most of the persons being sent there as poor drunken vagrants.

The following interesting extracts are taken from a report of the commissioners of the alms-house, of which body, John Targee, Esq. is chairman, and which report was presented to the corporation of New-York on the 20th of September, 1830:

That there will always exist a portion of every community, which will in some way be dependent upon the public for support, we must from the manner in which society is constituted naturally expect. Accidents and misfortunes are occurrences to which the most prudent are occasionally liable, but it is a rare occurrence indeed to find persons of cultivated minds in our alms-house. Education brings in its train, as a natural consequence, a certain degree of moral restraint upon our viscious passions and propensities. In order to the attainment of knowledge, habits of application and industry are the first and great leading pre-requisites; and these once firmly fixed, nothing but some extraordinary misfortunes will deprive their possessors of the ability to provide for their own wants.

The school established in the alms-house at Bellevue, is a branch of the establishment which claims our most earnest solicitude; and it is found essentially beneficial. Nearly three hundred children are here constantly instructed in the first rudiments of education, and the foundation thus laid for future improvement and usefulness.

The liberality of our state legislature in their munificent appropriations to the common school fund, is worthy of all praise; and when we reflect on the vital importance to the rising generation, of a perpetuity of our republican institutions, and the necessity which

now exists by reason of the extension of the elective franchise, that every individual should be capable of reading and judging for himself, on matters most essential, not only to himself, but to his posterity, we cannot but believe that every appropriation, whether by the state or city authorities, for the promotion of this important object, will meet the cordial support and approbation of every member of the community.

There are in the house at Bellevue, at the present time, old and superannuated persons between the ages of 60 and 100 years, .....

Blind,.....	43
Cripples, .....	95
From debility,.....	35
Subject to fits,.....	29
Idiots, .....	89
Lame and rheumatic,.....	111
Palsy,.....	61
Nervous,.....	40
Women confined.....	20
Insane,.....	94
Sick in the hospital,.....	171
Children under the age of 11 years, many of them of very tender years,.....	551

Making an aggregate of ..... 1,699

persons, of whom it may be said that *collectively* they are incapable of taking care of themselves in the ordinary concerns of life, with all the conveniences that could be furnished to them. These may be considered as permanent claimants on the public bounty; for although from deaths and discharges, we are occasionally relieved of some of them, others are not wanting to fill their places.

The system of affording temporary relief to poor persons out of the house, the commissioners are well aware is one requiring the utmost vigilance and attention which can possibly be bestowed on it; and for this purpose they have permanently employed a very efficient and useful officer, Mr. William Schureman, who they denominate a visitor, and whose special and very arduous duty it is made to visit every person or family applying for such relief; and upon whose report the commissioners are governed in making occasional donations which consist principally of fuel, potatoes, and occasionally small sums in money; the aggregate amount of which, however, in the course of a year, as shown in the statement herewith submitted, forms an important item in the annual amount of the disbursements of the commissioners. In making these donations the commissioners are influenced by the consideration that in so doing, they sometimes, and in fact as they hope in most cases, thereby keep alive a desire in the parties to make efforts to provide for themselves and families, and relieve the public from the burthen of their entire maintenance in the house: motives deemed laudable in themselves, and if accompanied with the desired effect are certainly useful and economical.

In the year 1827, the board of guardians of the poor of the city and district of Philadelphia, appointed a committee of their body to visit

the cities of Baltimore, New-York, Providence, Boston and Salem, for the purpose of inquiring into their systems and examining their institutions for the relief of the poor. This committee, after a careful and minute investigation of the subject, in making up their report, in order to contrast their own, with other establishments in *large towns and cities*, give the following statement as the result of their inquiries.

*In Philadelphia for 1825-6.*

Amount expended for the support of paupers in the almshouse, .....	\$37,309
Average number in the house during the year, 994, being 72 cents each per week.	
Children's asylum, .....	7,034
Pensions and relief to paupers out of the house, .....	47,357
	<hr/>
Population of the districts about 125,000.	\$91,700

*Baltimore for 1826.*

Amount expended for the support of paupers in the house, .....	\$15,509
Average number in the house, 392, being 75 cents each per week.	
Pensions and relief to paupers out of the house, .....	2,491
	<hr/>
Population 70,000.	\$18,000

*New-York for 1826.*

Amount expended for paupers in the house, .....	\$58,500
Average number in the house, 1949, being about 60 cents each per week.	
Relief to paupers out of the house, .....	13,690
	<hr/>
Population 175,000.	\$72,190

*Boston for 1826.*

Amount expended for the support of paupers in the house, .....	\$18,276
Average number in the house, 450, being about 78 cents per week for each.	
Pensions and relief to paupers out of the house, .....	12,256
	<hr/>
Population 60,000.	\$30,532

"Speaking of Baltimore the committee say, "the house is situated on a farm of upwards of three hundred acres, two and a half miles from the city, and a few acres contiguous to it enclosed by a wall." Speaking of Boston, the committee also say, "the almshouse is at South Boston, about two miles from town, and is located on a farm of about sixty acres, surrounded by a stockade fence twelve feet high." Thus we see that while in Philadelphia, Baltimore and Boston, (the only places with which it would be fair to contrast New-York,) they are pursuing in the two last mentioned places, agricultural employment for the poor, yet in those it costs them, in Baltimore 75, in Boston 78, and in Philadelphia (where their mode of employment is

not mentioned,) 72 cents each per week; while in New-York including the asylum for the education of the children, and hospital for the sick, only 60 cents each per week."

"The aggregate number of foreign poor admitted into the house during the four years, 1826, 7, 8 and 9, was 5,146, making an average of 1,286 per annum. The aggregate number remaining in the house for the same period is 3,286, making an average for the four years of eight hundred and twenty-one, which at the rate of 64 cents each per week, (the average cost for the year 1829,) and leaving out of the calculation the expenses of those who died in and were discharged from the house, will form an aggregate average expense of \$27,322.88 per annum; while the sum received from bonded passengers, and as commutation for the same period, amounts only to the sum of \$8,968.23 per annum, leaving a balance against the establishment in this branch, of \$18,354.65 per annum. If to which be added the expenses of those who have died in and been discharged from the house, it is confidently believed that this *balance* would be more than \$25,000 per annum. And as the exhibit shows a gradual increase of this description of poor, we may not look forward to any amelioration of our burdens in this respect.

"The commissioners cannot allow the present opportunity to pass without earnestly calling the attention of the common council to the deplorable condition of that part of the hospital establishment at Bellevue appropriated to the insane. It will be perceived that no less than 993 sick patients, and 143 insane, were admitted into the hospital during the last year. Circumscribed as we are for room, it is found utterly impossible so to classify the different cases of disease and of the insane, as not to be essentially injurious to all. The sick and the dying; those in a state of utter destitution of reason, and those in a state of partial alienation of mind, are necessarily from want of room, placed within sight and distinct hearing of each other; and with the utmost efforts of the resident physician and superintendent, it is found utterly impracticable to maintain that quiet and order in the establishment, so essentially necessary in a place specially devoted to a bed of sickness and disease. If a separate and distant place could be provided for the lunatics, the present hospital might be sufficient for the ordinary cases of sickness; and the commissioners would respectfully suggest the propriety of making an establishment on Blackwell's Island, specially for the accommodation of this most unfortunate class of our fellow-creatures."

There is a large room fitted up in the alms-house establishment, for a school room, where 325 were instructed the last year on the monitorial plan. This is the school returned by the trustees of the public school society at Bellevue, and it participates in the school money apportioned to that society. This is an excellent school, and affords advantages to the unfortunate tenants of the alms-house, not inferior to those enjoyed at the best of the public schools in the state.

#### NIAGARA.

The expenses which have occurred separate from the poor-house for temporary relief, as near as we can estimate, is for physician's

bill \$165; for temporary relief to paupers \$253; overseers fees \$54; justices' fees \$40; total 512 dollars; number of paupers unknown to us. The children have been sent to the district school about three months; but we are preparing a school-room in the poor-house, which will soon be in readiness. Paid for farm 500 dollars, which is not added in the report of expenses.

#### ONEIDA.

A school has been taught by some one of the paupers in the poor-house during the whole year, and the number taught has varied from 15 to 30. We have not the means of ascertaining the allowances made to justices and overseers, as their accounts were settled by the boards of supervisors.

#### ONTARIO.

There has been a school taught in the poor-house eight months during the year ending on the first day of October, 1829, the average number of children taught during the above mentioned time, is fifteen. The branches taught in said school, are spelling and reading; and when the children become of any size they are bound out as servants and mechanics, until they shall respectively become of age.

This establishment was opened in October 1826. The first year an attempt was made to have the towns support their own poor; but it was soon found very difficult on account of crediting the paupers for the labor they did; as some could do much less than others, and again, some required much more attendance, medicine, &c.; the superintendents therefore immediately reported the difficulty to the board of supervisors, recommended to them to make all the poor of the county, county paupers; which was accordingly done. Since which time the poor have been kept as a common stock; and since that time we find no difficulty in keeping the accounts, and managing the concern. We think we have improved some in the management of the concern, and we think there is much room for further improvement. We think our farm is not large enough; that a larger number of cows ought to be kept, because we find it not only much cheaper to keep the paupers on butter and milk as much as possible, but it adds much to their health and comfort.

The reasons why we report from October to October, are, 1st. That our books and reports are made during that time; secondly, the board of supervisors meet on the first of October in each year, and our accounts are all credited up to that time. The expense of the paupers since the first day of October 1830, up to the first day of December, will not vary much from what they were during the same time in 1829.

#### ORLEANS.

We would suggest an alteration in the 42d section, page 624, of the poor law, so that in those counties where the distinction between town and county poor has been abolished, which is the case in our county, each town shall be obliged to support those paupers who

are unable to be removed to the county poor-house in cases of sickness, so long as such inability to be removed shall exist.

We would, as the superintendents of the poor in and for the county of Orleans, most humbly solicit you to lay the above before the Legislature, so that an alteration may be made if expedient.

#### OTSEGO.

In this county the distinction between town and county poor has been abolished.

The estimates are all calculated for the year ending 10th November, 1830, the date of the report of the superintendents to the board of supervisors.

The superintendents find a difficulty in complying with the form prescribed by the Secretary of State. The number of paupers relieved or supported during the year, seems to include those relieved in the towns under justices' orders, as well as those supported at the county house. The number of paupers temporarily relieved, is not known to the superintendents; they have therefore divided the expenses into such as may be strictly considered as incurred for temporary relief, and such as may be considered as constituting the actual expense of supporting the paupers at the poor-house.

The children have been instructed in the poor-house the whole term by one of the paupers. The average number of scholars was 15.

The whole expense of the support of the poor, was..... \$3,638 30

Of this sum was paid for temporary relief, or relief out of poor-house, as follows :

By county treasurer on justices' orders,	\$958 03
Accounts allowed by supervisors,....	19 00
Allowance to justices, .....	71 60
do overseers poor,.....	79 75
	<hr/> 1,148 38

For permanent relief or support at poor-house, as follows :

Victualling, clothing, hired labor, repair of buildings, furniture and implements of husbandry, and incidental expenses, .....	1,729 88
Transportation of paupers, .....	151 99
Estimated allowance to overseers for orders of removal, .....	49 87
Allowance to superintendents, .....	125 18
do keeper, .....	350 00
do physician, .....	83 00
	<hr/> 2,489 92
	<hr/> \$3,638 30

The average number of paupers at the poor-house, was 94.

## OSWEGO.

The expense of supporting town paupers in the several towns, so far as heard from, for the relief of 70 paupers, \$540.58 cents; three towns not heard from, estimated at \$175; temporary relief in different towns to 39 county paupers, \$198.44 cents; do. three towns not heard from, estimated at \$275. The children have been taught at the poor-house, reading, and some have been sent to the district school. It is suggested that the superintendents and overseers of the poor should be furnished with the laws relating to the duties of their offices. Our report bears date the first of October. The reason of this is, that our board of supervisors hold their session the beginning of October, and if we reported from December to December, we should be under the necessity of ascertaining the expense from the time the supervisors meet until the first of December, and also for the same period the preceding year. Our report, however, gives the expense of one year.

## PUTNAM.

We are now building a county poor-house, which will be done by the first of May next. When this is done, the distinction between town and county poor will be abolished. We have made no report to you, as the poor have been kept in the towns as usual.

## QUEENS.

The number of persons relieved and supported during the year preceding the first of December instant, was 285. Of the persons thus relieved, the number of county paupers was 120; the number of town paupers, 165. The whole expense of such support was

\$8,220 34

Of this sum, there was paid for transportation

of paupers, .....	\$20 25
Allowance made to superintendents, .....	127 05
“ “ overseers, .....	311 00
“ “ justices, .....	317 00
“ “ keepers and officers, .....	318 00
“ “ doctor's bills, .....	159 36

Allowed the different persons for taking pauper children off the county, at an earlier age than such children can be put out as servants without compensation, .....

20 00

1,272 66

\$6,947 68

The actual expense of keeping each person per week, can not be ascertained, as the overseers have kept no account of the time the paupers were severally supported. A house, with 21 acres of land attached to it, has been hired for the use of the county poor, at an annual rent of \$75; and from the first of October last, it is intended a correct account shall be kept of all proceedings had in relation to



such paupers as are chargeable to the county ; but the overseers of the poor manage the town paupers in their own way, and it is not possible to obtain any information from them beyond a statement of the amount of money expended in support of the poor ; nor can the number or description of paupers be more than conjectured at any given time, under the system adopted by the towns. As yet our pauper children receive no instruction, either in the poor-houses or at school.

The superintendents with pleasure avail themselves of the privilege granted by the printed circular of the Secretary, under date of the 28th May last, to state the following facts and circumstances relative to the maintenance of paupers in the county of Queens, which, it is hoped, will satisfactorily apologize for the deficiencies of their report.

From the date of the operation of the law requiring the counties to support certain paupers not chargeable to any of their towns, up to the appointment of superintendents in this county, the overseers of the several towns have adopted various plans for relieving town and county poor. In some towns it has been the practice to hire board for the paupers, in such poor families as could be found to take them at a low rate. Some of the overseers have hired houses to keep them, and purchased provisions, clothing, &c. at the expense of the town, and employ persons to cook and take care of them. Others, and the greater number, put all the poor of the town out on contract, to the person who will take them for a year at the smallest sum, pay all their expenses, and retain the balance of the sum contracted for as his own compensation. The first of these modes of affording relief to paupers is considered extremely objectionable, inasmuch as it furnishes facilities for the grossest impositions on the public, and is the most expensive plan that has yet been resorted to. It is within the knowledge of the writer, that one of the towns which now puts out its poor on contract for \$700 per annum, formerly expended from \$1,800 to \$2,200 a year for the same objects ; and it is believed that the paupers may now be as well supplied, after reasonably paying the contractor, as they were under the former extravagant expenditure. Many of those who formerly applied to the overseers to have their board provided in the family or house of some friend or relative, and generally succeeded in getting it, by craftily imposing some tale of woe on the overseer, will now work and maintain themselves, rather than submit to leave the haunts of their associates, perform the labor, and comply with the discipline exacted from them by the persons who contract for their support at a limited compensation.

Supporting town poor in a poor-house is also liable to objections, on account of the impossibility of conducting such establishments on a small scale, with the same degree of economy, and under the same wholesome regulations, which may without difficulty be advantageously applied to more extensive institutions of the same description.

The last mode resorted to, and which appears to be gaining favor, in our county, has nothing to recommend it, excepting that it makes a temporary saving in dollars and cents ; whilst its natural tendency

evidently is to degrade the pauper, and demoralize the contractor. Immediately after the appointment of superintendents, it became necessary for them to visit the town poor-houses, in order to re-examine the paupers, and provide for such as should be found chargeable to the county. The condition of the poor in one town, under the care of a contractor who was liberally paid, was truly such as to excite the warmest feelings of commiseration and sympathy for the wretched subjects of poverty, vice and misfortune, who had fallen into his hands. From 12 to 16 persons were tenanted, in the month of February, in a miserable house about 24 feet square, with only one fire-place; around which, old and young, black and white, male and female, sick and well, half naked children and ragged dirty negroes, were crowded together, covered with filth, rioting in idleness and disgusting conversation, and apparently indulging in every thing to corrupt and brutalize the human mind. Nor is this disreputable state of things confined to the towns whose overseers put out their poor on contract. In one town in which a house and keeper is hired, and supplies are furnished by the overseers at the expense of the town, at an average cost of about \$1,200 a year, so great was the want of care on the part of the overseers and keeper, that the paupers were not comfortably supplied either with clothes or fuel; and even cleanliness, the foundation of comfort, health and credit, was so shamefully neglected, that we thought it prudent to inquire whether the house was free from vermin, and were kindly cautioned by the paupers, that our safest way would be to keep our feet, and not make use of their seats. It is understood from good authority, that the contractor and keeper last referred to, have both been removed, and the poor in those towns now receive better treatment. From this deplorable state in which pauperism now exists in our county, no relief is to be expected without the assistance of the Legislature; and this it is hoped may be speedily obtained, as further legislation on the subject, we think, must soon be had and frequently repeated. The gradual increase of our own citizens, under the most favorable circumstances, would soon require it; and suffering as we are from the corrupting and destroying vice of intemperance, and exposed to an accumulating influx of emigrants from the vagrant population of Europe, the most vigilant and watchful care of government will be absolutely necessary to keep down this growing evil of the times, which already threatens the State, and particularly the southern counties, with a heavy and oppressive tax. The whole poor of the county are now kept in seven different parcels, each attended by a keeper and the legal quota of town officers. It cannot require an argument to show that an important item would be saved in their expenses, by consolidating the whole into one general and well organized company; which would also be the means of enabling the county to derive some little advantage from their labor, which is now lost by the subdivision. The paupers too, if properly employed, would soon feel the benefits of wholesome exercise, and sensibly enjoy its good effects upon their health and constitutions.

The correcting restraints of discipline and labor, would tend to reform and improve that numerous portion which has been reduced to

indigence by profligate conduct—the unfortunate children now growing up in idleness, ignorance and the contaminating influence of evil example, might be taught to read and write, and have their infant minds trained to something like usefulness and virtue, without any perceivable addition of expense, and the country would realize a benefit from their schooling, by putting them out as apprentices and servants at an earlier age than masters can be found to take them without any learning.

The heart of philanthropy would also find consolation in extending the hand of relief and beneficence to that truly meritorious class of unfortunate poor, who, deprived of health and declining with age, are now at the closing stage of a life of industry and prudence, compelled to seek protection from beggary and want in the loathsome society of vicious companions, and to take up their abode in the crowded apartments of a wretched town poor-house.

In fact, the experience of the last six months has abundantly proved, (the county poor having been relieved in a house separate from the town poor,) that by keeping the whole poor of the county together, not only a great saving would be made in the public expenditure, but the character and condition of the paupers might be vastly improved; many of their base propensities and vicious habits corrected and subdued; their peace and happiness promoted, and their moral reputation raised above the degraded level, to which too many of them have been unfortunately brought by idleness, improvidence and a fatal indulgence in the prevailing vice of our country.

Should the Legislature take up this subject during its approaching session, we beg to suggest a provision in the law, making it obligatory on the board of supervisors to abolish the distinction between town and county poor within a limited time after the passage of the act.

#### RENSSELAER.

The distinction between town and county poor not having been abolished by the supervisors of this county, it is impracticable for the superintendents to comply with the requisitions of the statute in their report. There being no county house or other place for the accommodation of the county poor, the superintendents on the 24th of March last, made a contract with the trustees of the House of Industry, erected by and belonging to several towns in said county, to board the county paupers at \$1.50 per week, including all ages and conditions, exclusive of clothing and medical aid; the institution having all the benefit arising from the labor of the said paupers. [The number of paupers thus relieved, and the expense of such relief, is all that is embraced in tables A and B, for Rensselaer county.] The superintendents suggest the necessity of an alteration in the law in relation to erecting county poor-houses by increasing the sum for purchasing land and erecting buildings, to at least \$20,000. The sum at present prescribed by the statute is too limited for many of the counties, and especially for the county of Rensselaer.

The following are the returns from the several towns in the county of Rensselaer, of the number of town and county paupers relieved,

not having been sent to the poor-house, and the amount paid for such partial relief.

*City of Troy.*—The number of paupers who have had relief in the city of Troy, during the year ending May 18, 1830, so far as we have been able to ascertain the same from the accounts of the overseers of the poor, as audited by the common council, and from the books of the House of Industry, is 569; of these 169 are county paupers, and 400 are chargeable to the city. Of the two numbers, there were about 120 who were partially relieved by charitable donations from the common council during the last winter, and who are not strictly considered paupers; deducting this number from 569, and it leaves the actual number of paupers relieved in the city, and not sent to the poor-house, 449. There has been paid to a justice of the peace \$92.60 cents for taking examinations of paupers, as appears by the account of the chamberlain; 200 dollars has been paid the overseer for his salary for one year. The aggregate expense for the year, on account of paupers amounts to \$3,932.20.

RECAPITULATION.

Town paupers, .....	\$843 21
County do .....	2,796 39
Paid justice, .....	92 60
Paid poor-master, .....	200 00
	<hr/>
	\$3,932 20

The following Table shows the expenses in the several towns in Rensselaer.

TOWNS.	County paupers re- lieved.	Town paupers re- lieved.	Expense of county paupers.	Expense of town paupers.	Allow'd to overseers of poor for services.	Allowed to super- visor.	Allowed to town clerk.	Allowed to justices of the peace.	Allowed to com- mission- aries.	Total amount of all expenses.
Greenbush, .....	12	8	152 65	80 41	19 35	\$ 75	\$ 75	14 50	7 50	331 05
Schoharie, .....	2	1	41 95	38 00	33 12	1 25	1 25	8 67	1 00	125 25
Pittsford, .....	2	...	61 00	230 69	38 00	.....	.....	.....	.....	329 69
Berlin, ...	1	4	10 00	5 00	.....	.....	.....	.....	.....	15 00
Stephentown, .....	4	4	52 76	128 27	28 26	.....	.....	.....	.....	209 29
Sandlake, .....	12	8	97 97	67 34	42 50	.....	.....	.....	8 50	216 29
Grafton, .....	.....	1	.....	2 25	18 07	.....	.....	.....	7 86	28 18
Nassau, .....	.....	4	.....	83 57	4 65	.....	.....	.....	.....	88 22
Hosick, .....	.....	4	.....	59 60	36 87	.....	.....	.....	7 13	128 78
Petersburgh, .....	.....	3	.....	107 83	4 93	1 00	1 00	27 18	.....	141 94
Scaghticoke, .....	4	1	24 60	13 00	19 50	.....	.....	10 00	15 55	82 69
Lansingburgh, .....	.....	9	.....	246 61	36 50	.....	.....	.....	.....	283 11
Brunswick, .....	.....	1	.....	52 00	28 00	.....	.....	23 75	.....	128 25
	37	48	\$440 93	\$114 57	\$309 75	\$6 00	\$6 00	\$84 10	\$47 54	\$2107 74

## RICHMOND.

The farm and establishment provided for the poor in said county, did go into operation in January last, under the care and management of the supervisors and overseers. The superintendents were not appointed until April last, therefore we report from that time. The keeper of the poor-house receives  $57\frac{1}{2}$  cents per week for boarding the paupers, and is also entitled to the benefit of their labor and use of the farm. The farm is furnished with stock, farming utensils, manure and household furniture.

The children have been partially instructed in the poor-house.

## ROCKLAND.

Has no county poor-house. Paid for tuition \$9.59; for counsel fees \$44.75; medicine and attendance \$62.59. These items are included in the amount of \$117.93, placed under the head of keepers and officers, in table A.

## SARATOGA.

The superintendents remark that there are other expenses in the different towns, besides those embraced in their report, which they have not the means of ascertaining, and the amount of expenses reported are exclusive of the produce of the farm; and the labor of the paupers has all been expended on the farm and in the house. The superintendents beg leave to suggest an alteration in the law. As the law now stands, when a town officer delivers a pauper at the poor-house, and takes the keeper's receipt, he must call on two superintendents and have his receipt countersigned before he can obtain his pay; whereas one superintendent may approbate the expending of an unlimited sum in the different towns. If the legislature make any alteration in the law, it would be a convenience to pay the person delivering a pauper on the certificate of one superintendent.

## SENECA.

The whole expense of support of paupers out of the poor-house, from the 12th January last, (when the distinction between town and county paupers was abolished, and the board of superintendents appointed,) until the 28th of August, when all the poor of the county were ordered to the poor-house, was \$982.63 cents.

## SCHOHARIE.

We have a contract with the keeper of the poor-house that he shall have the use of the farm and buildings belonging to the establishment, the labor of the paupers, such as can work, and \$9 dollars per year, or 75 cents per week, for each pauper, during the time he remains at the poor-house.

The distinction between town and county paupers exists in this county, or in other words, all the poor are not a county charge. It is the duty of the supervisors of every town in the county to report to the clerk of the board of supervisors within fifteen days after the

accounts of the overseers of the poor have been settled by the board of town auditors in each year, an abstract of all such accounts for the preceding year.

We have received returns as above from only four towns in the county, namely, Schoharie, Cobleskill, Sharon and Summit. The supervisors of the other six towns, viz:—Middleburgh, Fulton, Broome, Blenheim, Jefferson and Carlisle, are in default: We are therefore unable to make return according to the printed form sent us.

The supervisor of Schoharie reports that there have been eleven paupers (all of which are town paupers) relieved or supported in said town during the year ending the 23d day of February, 1830. That the whole expense of such relief and support, amounts to,

	\$102 36
That the allowance made to overseers, was .....	13 50
To justices,.....	11 56
To constables,.....	4 50
To town clerk, one of the board of auditors,.....	1 25
	<hr/> \$133 17

The supervisor of Cobleskill reports that the relief granted in that town was to two town paupers, ..... \$18 35  
 They paid for medical attendance,..... 5 06  
 Justices' fees,..... 3 00  
 Overseers of the poor,..... 18 00

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\$44 41

The supervisor of Sharon reports that two county paupers have been supported in that town at the expense of..... \$78 00  
 And that 12 town paupers have been relieved in the town at an expense of..... 173 57  
 That an allowance has been made to the overseers of the poor of that town, of ..... 20 50  
 To justices,..... 24 14  
 To constables, ..... 7 50

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\$303 71

The supervisor of Summit reports that four town paupers have been supported in that town the whole year, and that one other has been occasionally relieved.

That the expense of such support has been ..... \$159 90  
 Allowance to overseers of the poor was ..... 12 00  
 To justices,..... 21 75  
 To constables, ..... 5 00  
 To supervisor, ..... 1 00  
 For doctor's bill, ..... 7 50

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\$207 15

We have not the means of ascertaining the expense of transporting the 26 paupers to the poor-house, as but few of the charges have been presented to us; they will probably amount to about 20 dollars.

In conclusion, we would observe, that were the distinction between town and county poor done away, it would tend to simplify and render uniform a system of public charity, which will ultimately not only prove alleviating to the objects of public munificence, but salutary to the government itself.

#### STEUBEN.

In this county there is no poor-house; the county poor were contracted to sundry persons on the first of March last for one year.

#### ST. LAWRENCE.

The report of the superintendents embraces nothing beyond the poor-house establishment: No report having been received from the clerk of the supervisors as to the number of persons supported or relieved elsewhere in the county, or the amount of such support. The children in the poor-house have not, during the past year, been sent to school, nor instructed in the poor-house.

#### SUFFOLK.

This county has no county poor-house, and the poor are supported as formerly, in the several towns; and from the imperfect returns of several of the supervisors, it was impossible for us to make a more full report.

#### TIOGA.

The superintendents of the poor were first appointed in this county in November, 1830, and it was not until the 20th of December that a place was partially fitted up, for the reception of the poor; and the paupers have not yet generally been removed, on account of extreme bad travelling. Under these circumstances, it is presumed, no report will be expected from this county, until Dec. 1831.

#### TOMPKINS.

The amount paid to overseers, justices and for transportation, is incomplete, and upon a part, we are unable to form any estimate, not being able to obtain any information respecting them from the clerk of the board of supervisors. In the estimate paid for keepers and officers, is included 70 dollars for male laborers, 26 for female and 60 dollars for physician and surgeon.

#### WARREN.

The report is made to the first of November. In the item in the table, under the head of paupers and officers, is \$145.59, an allowance made to physicians and surgeons.



## WASHINGTON.

We have no means of ascertaining accurately the amount paid for the transportation of paupers, or the amount of allowance to overseers and justices; and we only give an opinion when we say, that the amount of orders for temporary relief will not fall below \$600. But the actual cost of supporting the paupers of this establishment, including food, clothing of every kind, keeper's salary, servants' hire, medical attendance, merchants' bills, purchases of stock, insurance, &c., from 8th Oct. 1829, to 11th Nov. 1830, is \$3,200, which divided by the average number of paupers, (112) during the same period, gives \$26.37 as the annual cost of supporting each, or 51 cents per week.

Owing in many cases to bodily inability, and many more to a want of fidelity in the paupers, we find but little profit in employing them in the ordinary occupations of the farm. We however manufacture our own supply of shoes and stockings.

Although not within the range of duties literally required of us, we feel that there is a propriety in calling your attention to the subject of orders made by justices for temporary relief.

As the law is construed by us, the order must embrace an amount (daily, weekly or in gross) equal to all expenditures to be made.—But upon the order so made, the overseer can expend no more than \$10 without having obtained the sanction of a superintendent. This sanction would seem to be a matter of course; for the superintendent has no means of ascertaining the necessity of the case, other than the assurance of the overseer, for whose benefit this sanction may perchance be required.

This order, when presented at the treasury of the county, entitles the overseer to receive "any sum he may have paid or contracted to pay;" thus allowing the individual to audit and allow his own account, and authorising the responsible officer of a town to thrust his hand unseen into the treasury of the county. It is clearly necessary that a supervisory and controlling power over these accounts should be lodged somewhere; and it has occurred to us, that the public interest would be promoted by lodging it in the hands of the superintendents.

## WAYNE.

Enclosed we forward you our report for the year ending on the first day of December instant; and in explanation, we would say that the distinction in this county between town and county poor was abolished in January last, at which time we received our appointment. We held our first meeting in February last, and did not purchase a farm until the 9th of last April. There was on the farm some convenient buildings, and we commenced receiving a part of the poor about the first of May last. In our enclosed report, we have calculated the allowances to ourselves, the physicians, keeper and laborers, from the commencement of their respective services. The keeper commenced on the 19th of April last, and the physicians commenced on the 27th of May last. The whole expense, as rendered in the report, exclusive of the last mentioned allowances, is

composed of monies for provisions, clothing, seeds, and for boarding some of the paupers at other places after they had been delivered at the poor-house. A part of the provisions are not yet expended. Besides the whole expense rendered in our report, there were other sums, to a considerable amount, paid for certain improvements on the farm, for furniture and for stock: these we have not included in the value of the establishment. We have erected additional buildings on the farm during the past season; which, with the permanent improvements on the farm, or the other buildings, we value at \$3,000: this sum is included in the value of the whole establishment. For the want of time to meet the letter of the poor laws during the past year, we have been obliged to collect at the poor-house only a part of the paupers: the residue, which was about one half, has been supported at the expense of the county, in the several towns where the cases occurred, under the care of the overseers of the poor. All charges for paupers so kept, (and nearly all were presented,) were audited by us on the 10th of November last, amounting to the sum of \$2,285.60 cents. We think proper to include in our report the sum only expended at the poor-house; but the expenses of the superintendents (which are greater for services this year than they will be any future year,) more properly apply to costs of the buildings, as the most of their services related to that object. Aside from the extra expenses, the expenses for keeping the paupers for the past year actually provided for at the poor-house, would fall short of 50 cents each per week. The services of superintendents, justices and overseers, are audited by the board of supervisors, and we are unable to report the exact amount of allowances made to the overseers and justices. The buildings are now just finished, and there are but few paupers in the county not collected at the poor-house. Within two weeks from this time, the system will be complete, and the requirements of the law will be strictly observed. Since we audited the poor accounts on the 10th of November last, some expenses have accrued in cases where the paupers could not be received in the poor-house, as well as those where they could not be removed, which remain to be estimated.

We have had but little opportunity to remark on the operation of the poor laws; and we will only suggest the propriety of publishing them in a pamphlet form, for the benefit of overseers and superintendents.

#### WESTCHESTER.

In explanation of our report, herewith transmitted, we would observe, that there remained at the end of the last year, 159. Since which there has been received 203, and five born in the house; which makes the number set to your first inquiry.

The report will show the expense, as far as it is in our power to ascertain it. The allowance to overseers and justices, we have no means at present to ascertain.

As to the estimated amount in the expense of their support, we had no other data to go on than the expense of the paupers in the county before the poor-house went in operation, and to deduct therefrom the expense of their support for the past year; calculating the

interest of the money the establishment cost, and the result is as stated in the report.

We applied to the institution in New-York to receive the two mutes, and have got them in.

We think we are authorised to say that our county is satisfied and pleased with the operation of the poor-house, and it appears a popular measure.

The children are kept at school in the house, which is conducted by one of the paupers, and they are improving as well as in our ordinary common schools, in our opinion.

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P. S. Since the foregoing report was presented to the Legislature, letters have been received from the superintendents of Kings and Cattaraugus counties, giving the explanations which follow in relation to their reports.

#### KINGS.

The county system was commenced on the 7th April last, consequently not eight months have yet expired. In accordance with the requirement, we have prepared in part the information necessary to making our report for the eight months past; but finding some difficulty in separating items of expense that have extended into this present month, and having supplies on hand difficult to estimate, we concluded to address you on the subject, and inquire your opinion as to whether it will not be proper, and will meet the requisitions of the law, to make our annual report in December next, which will comprise our operations from the 7th April last, (when we commenced) to 7th April next? We shall find it necessary to make a report to the supervisors at that time, and balance all our accounts for the year.

#### CATTARAUGUS.

The supervisors of our county neglected to appoint superintendents last year, and it was so near the time which the law makes it the duties of superintendents to make their report, that we considered it useless at this time.

The supervisors have not abolished the distinction between town and county poor. They also thought it not advisable to rent a tenement or purchase any land for the purpose of erecting a poor-house, &c., as our county is new and but few poor in it, who apply for relief. There are but two persons supported by the county, that I have any knowledge of, except one lunatic pauper, who we sent to the lunatic asylum in the city of New-York.

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§ The attention of superintendents, supervisors and the clerks of the boards of supervisors, is specially directed to the 78th section, page 632, of the 1st vol. of the Revised Statutes, which imposes a penalty of one hundred dollars for a neglect of their duties in furnishing the reports required by the statute for the relief of the poor; and it is made the duty of the Secretary of State to give notice to the District Attorney of any such neglect, to the end that he may prosecute the delinquent for the penalty.

**IN ASSEMBLY,**

**January 28, 1831.**

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**REPORT**

**Of the select committee on the petition of sundry inhabitants of the county of Genesee.**

The select committee, to whom was referred sundry petitions and memorials of the inhabitants of Genesee county, praying for an act to authorise the supervisors of said county to raise money to build a new jail at Batavia in said county,

**REPORT—**

That they have carefully examined the subject contained in the several petitions and memorials, and from the matters therein stated, and from their own knowledge of facts, have thought proper to lay before the House some of the reasons which have governed them in arriving at a conclusion.

At the annual meeting of the board of supervisors of Genesee county, in November last, at Batavia, a resolution was unanimously adopted, of which the following is a copy :

Board of Supervisors of Genesee county, }  
November sessions, 1830. }

**“Resolved,** That the Legislature of the state of New-York be respectfully requested to pass a law authorising the board of supervisors of Genesee county, at their next session, to raise by a tax upon said county, such sum as they shall deem necessary, not exceeding three thousand dollars, for the purpose of building a new jail in said county ; and that the clerk of this board transmit a copy of this resolution to each of the members of Assembly from this county.”

It is acknowledged by all, that the jail of said county is no longer safe for the confinement of prisoners, and cannot be made so by any ordinary repairs.

That the present court-house, which includes the jail, was erected in the year 1803, and soon after the first survey of the Holland Purchase, and while the county was unimproved and thinly populated; and that all of the principal roads then laid out by the Holland company, and such as have since been established in the vicinity of the present site, concentrate at that point, and render the approach to it from every quarter, convenient for every necessary purpose.

That there is no other point in the county where so much business concentrates; nor could the location of the county buildings, at any other place contemplated by the petitioners, accommodate so well the business transacted in the county.

That with the exception of a part of one town in the south-west corner of the county, which projects six miles beyond its general southern boundary, and another on the east side projecting about three miles, Genesee county is nearly an oblong square, of thirty-six by twenty-six miles. The present jail is upon the great mail route from Albany, both by Canandaigua and Rochester, to Buffalo, and almost exactly upon a medium meridian between the east and west bounds.

The canal, and consequently the points of deposit for all the surplus productions of the county, and the inlets for all the merchandise brought into it, are still north of its northern bounds. When this is considered, and that the Holland land company's principal office, and the Genesee bank are in Batavia village, it must be seen that the public convenience cannot require the seat to be removed further south, any more than that the seats of the North River counties should be removed back to their geographical centres, where no natural, artificial or business advantages exist.

The prominent places spoken of and most strenuously insisted on by those who desire the removal of the county buildings, are one of them within ten miles of the west line of the county, while it is sixteen from the east; another within less than nine miles of the west line, and more than seventeen from the east, while another competing place is within seven miles of the east line, and consequently more than nineteen from the west. Two of these places are not more than seven and an half or eight miles from the

present site, and the third and western-most one not more than eleven miles, and almost *inaccessible* by a direct route to a part of the county, on account of steep and high ridges of land which intervene.

These are the only places to which it is proposed to remove the county buildings, so far as your committee have any knowledge.

It would, in the opinion of your committee, work great injustice to the citizens of the village and neighborhood of Batavia, to remove the county buildings, by reducing its importance as a business place, and consequently depressing the value of real estate, which has been *purchased* by the citizens at an advanced price, with direct reference to the advantages which arise from its contiguity to the present county buildings; all of which advantages, by a removal, would be transferred to the citizens resident at and contiguous to the new site, without any equivalent being given, and without any claim to their possession, except such as are founded in interest.

That the northern part of the county is rich in agricultural products, while the southern is much better adapted to grazing purposes, and hence the northern part is capable of sustaining, and will always sustain, a greater amount of population than the southern.

But there is another view of the subject which your committee feel it their duty to take as connected with the proposition to remove the county buildings.

On referring to the maps of the counties of Genesee, Allegany and Cattaraugus, it is observable that there is a large tract of country comprising the extremities of those counties, which can be better accommodated by being formed into a new county, than by remaining as at present.

The only question which remains to be settled, is, whether it is most expedient to erect a county now, or at some future time. Petitions are now before the Legislature for this object, and as your committee believe, not less than *four* distinct applications of this nature have, or are about to be made. If any of the several proposed applications should be granted, it will leave the present site of the county buildings as nearly central as may be.

Your committee are therefore fully persuaded that to interfere at this time to remove the present site, while these multiplied applications are depending, and perhaps likely to prevail, would be injudicious.

There is still another consideration connected with this subject, of no trifling importance.

The site upon which the county buildings are situated, consisting of the present court-house, which might be rendered commodious by erecting a new jail, a stone fire-proof clerk's office, and including an acre and a half or two acres of land in the heart of the village of Batavia, which was conveyed to the county by the Holland company upon the express condition that it should be occupied for the sole purpose of the county seat.

The ground and buildings will consequently revert to the company if a removal should be made, and thereby a loss would be sustained by the county, probably of six or eight thousand dollars, which together with the expense of erecting new buildings, and purchasing another site, would be onerous in the extreme upon the inhabitants.

Your committee think proper to state, that the supervisors of the county, who are to be regarded as the representatives of the people in relation to all questions of this sort, have not in their resolution, which is herein inserted, expressed any desire, or intimated any opinion, that the county buildings should be removed, nor that any inconvenience exists on account of their present location.

Your committee ask leave to introduce a bill providing for the erection of a jail at Genesee, at the present site, and upon the lands belonging to the county.

**No. 68.**

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**IN ASSEMBLY,**

**January 22, 1831.**

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**ANNUAL REPORT**

**Of Jacob Lockman, an Inspector of Lumber, for the  
city and county of New-York.**

*To the Honourable the Legislature of the State of New-York.*

The following is the return of lumber inspected and measured,  
from the first of January, 1830, to the first of January, 1831, accord-  
ing to the Revised Statutes of the state of New-York.

[A. No. 68.]

1



*Amount and quality of Lumber inspected.*

Name of Wood.	Qualities.				Measured.	Prices.
	Feet clear.	Feet Mer.	feet, 3d.	feet, 4th.		
White pine, ...	177,717	164,316	93,163	73,044	374,935	\$25 to 30
Yellow pine, ...	.....	996	.....	.....	.....	16 to 20
Hemlock, .....	.....	2,016	.....	1,253	.....	8 to 10
Pine scantling, ..	.....	9,646	.....	15,633	.....	14 to 16
Cedar boards, ..	.....	9,997	.....	2,137	.....	15 to 13
Basswood, .....	.....	37,132	.....	.....	.....	8 to 10
Bilsted, .....	.....	388	.....	.....	.....	
White wood, ...	.....	86,035	.....	110	.....	12 to 15
Beach, .....	.....	3,758	.....	.....	.....	30 to 35
Button wood, ..	.....	1,532	.....	3,986	.....	10 to 12
Black walnut, ..	.....	1,089	.....	.....	.....	25 to 30
Spruce, .....	.....	34,475	.....	6,377	.....	12 to 15
Hickory, .....	.....	2,015	.....	1,592	.....	15 to 20
Cherry, .....	.....	10,083	.....	690	.....	25 to 30
White holly, ...	.....	2,425	.....	68	.....	
Curl maple, ....	.....	10,741	.....	2,700	.....	35 to 50
Birdseye maple, ..	.....	21,061	.....	.....	.....	50 to 60
Plane maple, ...	.....	25,391	.....	5,883	.....	12 to 15
Ash plank, ....	.....	24,380	.....	4,165	.....	25 to 30
Ash oars, .....	.....	24,404	.....	6,836	.....	25 to 30
Oak plank, ....	.....	50,340	.....	30,838	.....	20 to 30
Oak timber, ...	.....	12,193	.....	7,233	.....	20 to 25
Oak knees, inches	.....	193	.....	173	.....	2s per in.
Locust timber, ..	.....	300	.....	.....	.....	
Locust posts, *..	.....	.....	.....	.....	.....	
Chesnut timber, ..	.....	7,391	.....	2,554	.....	15 to 16
Chesnut posts, †	.....	.....	.....	.....	.....	
	177,717	542,104	93,163	155,099	374,935	

\* 1604 pieces.

† 561 pieces.

Total amount Inspected, 968,083 feet, fees, ..... \$363 00

" measured only 374,935 feet, fees, ..... 99 75

\$462 75JACOB LOCKMAN,  
*Inspector.**New-York, Jan. 15, 1831.*

IN ASSEMBLY,

January 28, 1831.

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SEVENTH ANNUAL REPORT,

Of the Directors of the Central Asylum for the Instruction of the Deaf and Dumb, at Canajoharie, made to the Legislature, January 1, 1831.

*To the Hon. the Legislature of the State of New-York, in Senate and Assembly convened.*

The Directors of the Central Asylum for the Instruction of the Deaf and Dumb, at Canajoharie, respectfully submit to your Honorable Body the following Report, to wit :

The amount of money received from the treasury of the state, for the support of indigent pupils, during the year ending December 31, 1830, was \$1,473, which sum has been faithfully and economically applied for the purposes contemplated by the several acts making the appropriations.

That this institution is under the control and superintendence of the following gentlemen, to wit :

Rev. Winslow Paige, of Schoharie, Co. President.

Hon. Seth Wetmore,      Montgomery, Vice-President. .

Rufus Morris,              do.      Treasurer.

W. R. Wheeler,            do.      Secretary.

Rev. Charles Wadsworth,   do.      Superintendent.

And of the following gentlemen, as a Board of Directors :

Hon. Abijah Mann, Jun. of Herkimer county,

Hon. Henry I. Deisendorf, Montgomery do.

Rev. Paul Weidman,      Schoharie do.

Hon. Phinehas Randall,   Montgomery do.

Doct. Simeon Marcy,              do.

Mr. Simon D. Kittle,              do.

Mr. Jeremiah W. Gardner, Montgomery county.

" Steuben Helmer, do.

Robert Bowman, Esq. do.

Rev. John Smith, Otsego county.

That the number of indigent pupils, now attending school, is twenty-five. The following is a list of their several names and places of residence, with their respective ages, to wit :

Amariah Babbitt,	Jefferson county,	Aged 22.
Mary Flink,	Oneida "	12
Minard Smith,	Tompkins "	21
Almira Betts,	Saratoga "	18
Robert Bell,	Jefferson "	15
Louisa Cox,	Chautauque "	18
Erastus H. Brewster,	Tioga "	19
William M. Searl,	Lewis "	20
Henry Plato,	Genesee "	14
Levi Chapman,	Chenango "	21
Julia Weeks,	Monroe "	21
John Cramer,	Montgomery "	23
Charles H. Peck,	Herkimer "	13
Maria Guile,	Montgomery "	11
Susan Hale,	do.	16
Catharine Lewis,	Warren "	10
Mariah Lagrange,	Albany "	15
Susannah Lagrange,	" "	11
Amanda Flanders,	Warren "	22
John Smith,	Montgomery "	22
Maria Garlock,	" "	10
Catharine P. Ellarson,	Schoharie "	15
Nancy Philips,	Montgomery "	22
Aaron Hedden,	Wayne "	15
Charity Decker,	Schoharie "	

The number of pay pupils, at present attached to this institution, is seven, viz :

Elisha Bowman,	Jacob Lagrange,
Ann Eliza Bowman,	James Forbes,
Jonas P. Morse,	Chauncey Hyde,
Laura Lyon.	

Making thirty-two pay and indigent pupils at present attached to this school, who are instructed by Mr. Elijah Griffin, a graduate of

Union College, as principal, assisted by Mr. John C. Selleck and Stewart W. Spiers, as assistant teachers.

The pupils are boarded, at private boarding-houses, in the immediate vicinity of the asylum, according to the direction, and under the superintendence of Messrs. Randall, Wadsworth, Walrod, Bowman, and Gardner, as a committee of instruction.

The board of directors would further report, that the school is, at present, in a prosperous condition ; and, in the opinion of the directors, no similar institution, with the same patronage, has done more for the benefit of the unfortunate deaf and dumb.

And further, that ten applications for the admission of indigent pupils, have been unavoidably rejected, for the want of means to support them at the asylum.

All which is respectfully submitted.

*By order of the Board of Directors,*

W. R. WHEELER, *Secretary.*

Dated at Canajoharie, January 1st, 1831.











